

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

USA § CASE NO. 4:24-CR-543  
§ HOUSTON, TX  
VERSUS § THURSDAY,  
§ OCTOBER 31, 2024  
DARVI HINOJOSA AND § 9:01 AM to 11:04 AM  
JOHN SBLENDORIO §

## INITIAL APPEARANCE

BEFORE THE HONORABLE YVONNE Y. HO  
UNITED STATES MAGISTRATE JUDGE

## APPEARANCES:

FOR THE PARTIES: SEE NEXT PAGE

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## APPEARANCES:

2

FOR THE PLAINTIFF:

3

U.S. DEPARTMENT OF JUSTICE  
Byron Hugh Black  
1000 Louisiana Street, Suite 2300  
Houston, TX 77002  
713-567-9432

4

5

FOR THE DEFENDANT  
DARVI HINOJOSA:

6

J. RAYNOR CARR & ASSOC., P.C.  
Joyce A. Raynor  
9894 Bissonnet, Suite 320  
Houston, TX 77026  
713-988-5533

7

8

FOR THE DEFENDANT  
JOHN SBLENDORIO:

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10

LAW OFFICE OF ANTHONY  
TROIANI, P.C.  
Anthony P. Troiani  
5020 Montrose Boulevard  
Suite 700  
Houston, TX 77006

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1                   HOUSTON, TEXAS; THURSDAY, OCTOBER 31, 2024; 9:01 AM

2                   CLERK: The United States District Court for the  
3 Southern District of Texas is now in session, (indiscernible).

4                   THE COURT: Good morning, everyone. Please be  
5 seated.

6                   Calling Case Number 4:24-CR-543, United States v.  
7 Darvi Hinojosa and John Sblendorio.

8                   Let me take appearances. First for the United  
9 States.

10                  MR. BLACK: Good morning, Your Honor. Byron Black  
11 for the Government.

12                  THE COURT: Good morning, Mr. Black.

13                  And for Mr. Hinojosa?

14                  MS. RAYNOR: Good morning. Attorney Joyce Raynor  
15 (indiscernible).

16                  THE COURT: Good morning, Ms. Raynor.

17                  And for Mr. Sblendorio?

18                  MR. TROIANI: Good morning, Your Honor. Anthony  
19 Troiano on behalf of Mr. Sblendorio.

20                  THE COURT: Good morning, Mr. Troiano. All right.  
21 We have on the schedule detention hearing for Mr. Hinojosa and  
22 Sblendorio. Are the parties ready to proceed?

23                  MR. BLACK: Yes, Your Honor.

24                  MS. RAYNOR: Yes, Your Honor.

25                  MR. TROIANI: Yes, Your Honor.

1                   THE COURT: All right. Then let's get started.

2                   Mr. Black, you may call your first witness.

3                   MR. BLACK: Your Honor, the Government calls FBI Task  
4 Force Officer Joshua Lyons.

5                   CLERK: Do you swear that the testimony you are about  
6 to give will be the truth, the whole truth, and nothing but the  
7 truth, so help you God?

8                   MR. LYONS: Yes, ma'am, I do.

9                   THE COURT: All right. You may begin.

10                  MR. BLACK: Thank you, Your Honor.

11                  DIRECT EXAMINATION OF JOSHUA LYONS

12                  BY MR. BLACK:

13                  Q       TFO Lyons, could you please just state and spell your name  
14 for the record?

15                  A       Joshua Lyons. J-o-s-h-u-a, L-y-o-n-s.

16                  Q       And I understand you are currently a Task Force Officer  
17 with the Federal Bureau of Investigation; is that right?

18                  A       Yes, sir.

19                  Q       Can you tell us very briefly about your career in law  
20 enforcement?

21                  A       I'm a sworn Texas Peace Officer beginning in 2007 with the  
22 Texas Board of Criminal Justice's Office of the Inspector  
23 General. I've been a task force officer with the FBI Safe  
24 Streets Task Force here in Houston since approximately 2010.  
25 So going on now 14 years.

1 Q And during that time both with the Safe Streets Task  
2 Force, but also in your previous law enforcement career, have  
3 you had occasion to investigate motorcycle gangs and clubs here  
4 in the State of Texas and elsewhere?

5 A Yes, sir.

6 Q And in doing so, have you become familiar with motorcycle  
7 clubs?

8 A Yes, sir.

9 Q Specifically are you familiar with the Bandidos motorcycle  
10 gang?

11 A Yes.

12 Q And how did you become familiar with the Bandidos?

13 A We began an investigation into the Bandidos outlaw  
14 motorcycle gang around the 2019 timeframe.

15 Q And during that investigation did you have occasion to  
16 interview various members, current and former, of the Bandidos?

17 A Yes, sir. Several.

18 Q And in doing so did you learn about practices, structure,  
19 and organization?

20 A Yes, sir.

21 Q So let's just start with kind of talking about what the  
22 Bandidos are generally. We're not going to dwell on this a  
23 bunch, but it's kind of table setting that we need to do for  
24 everything else to make sense.

25 So what are the Bandidos?

1 A The Bandidos are an outlaw motorcycle gang as defined here  
2 in Texas known to apply the one percent diamond paramilitary  
3 and rank structure, have a set of bylaws, created and  
4 predominantly here in Texas, though they are in several states  
5 and, frankly, worldwide.

6 Q Now, you mentioned the one percent diamond. What is that  
7 and what is the significance?

8 A As defined by the American Motorcycle Association, I'll  
9 paraphrase, 99 percent of those who ride motorcycles are law-  
10 abiding citizens. There is a one percent that are very proud  
11 to be unconventional in terms of considering themselves  
12 rulebreakers or lawbreakers who don't follow the norm.

13 Q So the Bandidos Motorcycle Gang is considered a one  
14 percent in that it doesn't comply with social rules and norms?

15 A Yes, sir.

16 Q And does that include criminal behavior?

17 A Yes, sir.

18 Q So the Bandidos -- based upon your experience and  
19 investigation of the Bandidos, what sort of criminal activity  
20 does the enterprise engage in?

21 A From our investigations, they have engaged in narcotics  
22 trafficking, firearms trafficking, robbery, assault, murder,  
23 witness tampering.

24 Q So let's talk about how one becomes a member of the  
25 Bandidos. How do you become a Bandido?

1 A There are I guess two paths. You can join and be a member  
2 of an official Bandidos support club which then you kind of put  
3 in your work or notice and then asked to prospect into the  
4 Bandidos and go through a -- or potentially a hang around  
5 prospect phase of various times. Then, you know, after you do  
6 what you need to do, then you are made a full patch member.

7 There are some that aren't members of support clubs and they  
8 then go straight to the hang around phase with a timeline, then  
9 a prospect phase for six months. And then if they comply with  
10 what they need to do for the club, then they're made a member.

11 Q Okay. So there are kind of three steps to the process if  
12 I'm understanding right. Hang around, prospect, and then you  
13 become a member?

14 A Yes, sir. There are some that based off their reputation  
15 maybe don't have to hang around per se and go through that  
16 status and are just invited in as a prospect.

17 Q Now, you mentioned support clubs as being distinct from  
18 the Bandidos itself.

19 A Yes.

20 Q But what are support clubs?

21 A The Bandidos, in order to -- as part of I guess the red  
22 and gold nation, or however they want to be known as red and  
23 gold, they have Bandidos, but then they have support clubs,  
24 which they sanction and get permission to form. And their  
25 colors are the same color scheme except swapped in terms of the

1 lettering on the color. But they wear an official patch, what  
2 they call a cookie or coaster that says that they support the  
3 Bandidos. And they do that to increase their numbers.

4 Q And they do that to increase their numbers. They...

5 A The Bandidos.

6 Q The Bandidos.

7 A Yes.

8 Q Okay. You mentioned color scheme associated with the  
9 Bandidos. Are there specific colors, signs and insignia that  
10 are associated with the club?

11 A Red and Gold. And they have an official mascot that's  
12 referred to as the Fat Mexican.

13 Q Okay. And is that what -- we'll see some pictures of at  
14 some point here, but can you just describe it for the record?

15 A It's a Hispanic male that's wearing a sombrero, pointing a  
16 firearm at like a profile view.

17 Q All right. Now we talked about support clubs. Kind of  
18 related to this, I want to ask -- so I am living in the Houston  
19 area here. If I wanted to start a motorcycle club of some  
20 sort, could I just haul off and do that?

21 A You could, but you probably wouldn't last very long.

22 Q And not just personally because of who I am, but --

23 A Yes.

24 Q -- just because I understand there are reasons  
25 structurally.

1 A Yes, sir.

2 Q Could you explain those?

3 A There are two ways -- there's one that you just go  
4 straight to the Bandidos and let them know that you'd like to  
5 form a motorcycle club. And then if they know you or they give  
6 you certain rules, maybe probation in order to earn the right  
7 to wear red and gold and get the support cookie, basically get  
8 permission and sponsored by them to do so.

9 Some clubs go to what they call the COC or the  
10 Confederation of Clubs, try to do it the legitimate way that  
11 they are then given sanctions. The issue is that The Bandidos  
12 have traditionally controlled the COC. So it might seem like  
13 the legitimate way to go, but ultimately it will come back to  
14 the Bandidos that control who can survive as a motorcycle club.

15 Q So what happens if in Houston here I start a club go to  
16 the Bandidos and I don't go to the COC?

17 A You're probably going to get confronted and then told to  
18 shut down.

19 Q And if I don't shut down?

20 A Usually told and then physical violence.

21 Q Understood. Are there ranks or positions within the  
22 Bandidos?

23 A Yes, sir.

24 Q What are those?

25 A They are paramilitary and ranking structures. So for the

1 individual chapter, again, you have your hang around, which is  
2 not really a rank; it's a status. And then prospect, which is  
3 kind of a status. And then once you become a full member,  
4 you're like just a regular soldier so to speak. They have  
5 ranks such as the sergeant at arms, secretary treasurer, or  
6 secretary or treasurer. Sometimes the chapter will combine the  
7 ranks, sometimes they are separate. Some chapters will have a  
8 road captain, vice president, and president of that chapter.

9 And then they have a national -- a unit so to speak that  
10 has its own ranking system.

11 Q Understood. So just a few questions. I just want to talk  
12 about two of those positions since they're relevant to what  
13 we're going to discuss later today. Can you tell us both about  
14 the sergeant at arms position and then the secretary or  
15 treasurer position?

16 Q The sergeant at arms of the chapter is basically like the  
17 primary enforcer for that chapter. He is in charge of  
18 enforcing the rules, the Bandido rules, of also kind of  
19 protecting the integrity of that club, of that chapter in terms  
20 of making sure everyone is in line, which means then he is also  
21 responsible for handing out disciplines among that chapter,  
22 which could be verbal all the way to physical discipline of its  
23 chapter members. He also is responsible for the safety and  
24 security of the chapter president.

25 The secretary or secretary treasurer is really like an

1 administrative person inside that chapter. Keeps rosters,  
2 phone rosters, in charge of the money and the mandatory dues  
3 that come in and who pays, who is late, and also in terms of  
4 the mandatory runs, card games and meetings. So putting out  
5 announcements. Just running the day-to-day administration of  
6 that chapter.

7 Q You mentioned that there are dues. Can you tell us a  
8 little bit about the dues?

9 A Each chapter and per the Bandidos have to pay mandatory  
10 dues each month to their chapter, which then is collected and  
11 it's sent off to the national chapter or kept to use for  
12 chapter business.

13 Q Okay. For context here, just to kind of put this all in  
14 its place, so you mentioned chapters a lot. How does that fit  
15 into the overall structure of this organization?

16 A So the organization just forms chapters in its geographic  
17 region. So for example the Bandidos from Texas, you're a  
18 Bandido in Texas. On your butt you have a Texas bottom rocker.  
19 If you were in New Mexico, you'd have New Mexico or Oklahoma,  
20 et cetera.

21 Q And a bottom rocker is like a patch at the bottom of  
22 your...

23 A Yes, sir. It's a patch. And if we see pictures of cuts,  
24 I'd be happy to point them out. And it just says what state  
25 you operate in. And then in that state, each geographical

1 region will have a chapter. For example, here in Houston there  
2 are several depending on what geographical location. For  
3 example, Galveston (indiscernible) up in Montgomery County,  
4 Southwest Houston, Northeast Houston, (indiscernible). And  
5 just wherever you happen to be, that chapter will let everybody  
6 know where you're centrally located.

7 Q And you said these chapters, they have their own positions  
8 such as president, vice president, sergeant at arms, and so on?

9 A Yes, sir. Yes, sir.

10 Q So one last bit of context we need to talk about here, and  
11 that is the Bandidos and their rivals here specifically in the  
12 region. Do Bandidos have any motorcycle gang rivals?

13 A Yes, sir. So...

14 Q Okay. And we're going to concentrate on just one of them  
15 today, because I know we could talk about that for a long time.  
16 But we're going to talk about one called Brothers East.

17 A Yes, sir.

18 Q Are you familiar with them?

19 A Yes, sir.

20 Q And they go also by kind of a shortened moniker BEAST. Is  
21 that right?

22 A Yes.

23 Q Okay. Tell us about BEAST.

24 A BEAST was formed in 2015 by some individuals who, as we  
25 discussed, did it the way they were supposed to. And they went

1 to the Bandidos and asked for permission to form their club,  
2 the motorcycle club, that was basically then sponsored by the  
3 Bandidos.

4 After some time for various reasons, the BEAST broke off  
5 and in other words declared independence and then started  
6 flying the Texas bottom rocker and the one percent diamond,  
7 which the Bandidos took issue with. And then they went to war.

8 Q And what is the current state of relations between BEAST  
9 and the Bandidos?

10 A It's considered to be warfare. Turf dominance.

11 Q And what does warfare mean in this context?

12 A Usually like a smash on site type of thing which is, you  
13 know, an acronym that a lot of gangs use called an SOS where  
14 you're expected to assault in any form or capacity when you see  
15 a rival to declare dominance of wherever you happen to be.

16 Q All right. So now we're going to turn to the individuals  
17 that are in court today and talk more specifically about them.

18 We're going to start with Mr. Darvi Hinojosa, although  
19 there is going to be some overlap. So are you familiar with  
20 Mr. Darvi Hinojosa?

21 A Yes, sir.

22 Q Okay. And do you see him here in the courtroom today?

23 A I do.

24 Q Okay. Could you just point and describe what he's  
25 wearing?

1 A It's this gentleman directly in front of me wearing a  
2 green jumpsuit.

3 MR. BLACK: Let the record reflect the identification  
4 of Defendant Number One.

5 THE COURT: So indicated.

6 BY MR. BLACK:

7 Q So what can you tell us about what you learned about Mr.  
8 Hinojosa generally?

9 A He came into notice of our investigation around October of  
10 2021 timeframe when we became aware of the new chapter that  
11 formed in the Houston area called the Welcome to Hell chapter.

12 Q And what did you learn about Mr. Hinojosa's connection  
13 with the Bandidos and that chapter?

14 A That he was a probationary member of the Welcome to Hell  
15 chapter.

16 Q At that time?

17 A Yes, sir. In the October 2021 timeframe.

18 Q Okay. That was my next question. About how long have has  
19 he been associated or a member of Bandidos?

20 A From our investigation, he was never part of a support  
21 club or -- you know, he kind of did a hang around status and  
22 then was made a probationary member after some time.

23 Q So directly a probationary member of the Bandidos?

24 A Yes, sir. Yes. Which -- and which is also allowed for  
25 some that are either known by the Bandidos or have some history

1 in motorcycles that you can become a probationary member and  
2 kind of not a prospect.

3 Q Does he have an alias or a nickname that you've uncovered  
4 during your investigation?

5 A Yes, sir.

6 Q What is that?

7 A Many times people just refer to him as Darvi. And then he  
8 started using the alias of Ten Round.

9 Q Ten, the number ten and then round?

10 A Yes, sir.

11 Q Is Mr. Hinojosa, is he still a probationary member of the  
12 Banditos?

13 A No, sir.

14 Q What is his current status in the Bandidos?

15 A He was a sergeant at arms of the Welcome to Hell chapter.

16 Q Okay. And that's the position you previously described to  
17 us?

18 A Yes, sir.

19 Q What can you tell us kind of generally about the Welcome  
20 to Hell chapter?

21 A The Welcome to Hell chapter was formed around sometime in  
22 late 2021, a little bit before October '21, maybe around  
23 September. And it was formed to give almost as a reward to its  
24 chapter president by the name of John Pfeffer, who goes by Big  
25 John. And it was formed for a specific reason of targeting

1       rivals, thus the name Welcome to Hell, which is not common as  
2 typically a chapter will be called by a city or geographic  
3 location. But Welcome to Hell, pretty self-explanatory.

4       Q      I'm going to show you an exhibit here.

5                    MR. BLACK: Your Honor, may I approach the witness?

6                    THE COURT: Yes, you may.

7        BY MR. BLACK:

8        Q      So, TFO, I am showing you now what's been marked for  
9 identification as Government's Exhibit 1. Do you recognize  
10 that?

11      A      Yes, sir.

12      Q      How do you recognize it?

13      A      That's a photo of Darvi Hinojosa in his Bandidos cut and  
14 wearing an Expect No Mercy medallion.

15      Q      And you recognize that because you're familiar with Mr.  
16 Hinojosa?

17      A      Yes, sir.

18      Q      And you've seen him in this paraphernalia before?

19      A      Yes, sir.

20                    MR. BLACK: Your Honor, Government moves to admit  
21 Government Exhibit 1.

22                    MR. TROIANI: No objection.

23                    MS. RAYNOR: No objection.

24                    THE COURT: So the Cout will admit Government's  
25 Exhibit 1 for purposes of today's hearing.

1 (Government's Exhibit 1 entered into evidence)

2 MR. BLACK: And then with the Court's permission just  
3 to aid along here, I have a better copy in front of the witness  
4 of the exhibits.

5 THE COURT: That's fine.

6 BY MR. BLACK:

7 Q So, TFO, can you just kind of walk us through generally  
8 what we're seeing in Exhibit 1 here? I think we're seeing some  
9 patches that you talked about before.

10 A Yes, sir. He has his sergeant at arms rank tag, which is  
11 common, to let everybody know what his rank is. And then he  
12 has an Expect No Mercy patch above that and an Expect No Mercy  
13 medallion that he's wearing.

14 Q So I don't know that we've talked about the Expect No  
15 Mercy patch. Are you familiar with that patch?

16 A Yes, sir.

17 Q What can you tell us about it?

18 A The Expect No Mercy patch was created and it's not a patch  
19 that every Bandido can wear; you have to earn it. It has to be  
20 rewarded to you. And it's by committing a significant act of  
21 violence in furtherance of the Bandidos' racketeering  
22 enterprise.

23 Q And can anyone give you that Expect No Mercy patch?

24 A No, sir. It has to be given by -- usually here recently  
25 just two individuals.

1 Q And what are those, the status of those individuals?

2 A Basically long-term Bandidos that have earned it and are  
3 thus known as the ones that can hand it out.

4 Q So we're going to move on specifically to an incident on  
5 November 2, 2021 that I'm aware of that you became familiar  
6 with. That is going to set the stage here an incident that  
7 occurs around the Blue Bayou Café here in Houston, Texas. Do  
8 you know what I'm talking about?

9 A Yes, sir.

10 Q Okay. So can you kind of walk us through what's relevant  
11 that happened on that date at Blue Bayou?

12 A On November 2nd, 2021, BEAST, the Bandidos' rival, had  
13 held a meeting, a different type of bike event at their  
14 clubhouse in Channelview. When that meeting was concluded,  
15 several members decided to go eat at the Blue Bayou Café bar on  
16 Interstate 10 to the west in Houston. Some BEAST members drove  
17 their vehicles, some went on their motorcycles.

18 When they left, when the BEAST members left the Blue Bayou  
19 Café, the members in the vehicles left. Three BEAST members on  
20 motorcycles briefly stayed behind, smoke cigarettes and talked  
21 a little bit. And then as soon as they pulled out, a dark SUV  
22 pulled up alongside of them and opened fire with the firearm.

23 Q And what was the result of that shooting?

24 A Two BEAST members were shot and wounded and one was shot  
25 and killed.

1 Q And was that investigated by law enforcement?

2 A Yes, sir.

3 Q And were the victims, the shooting victims, were they  
4 interviewed?

5 A Yes, sir.

6 Q What if anything did they say about what they observed  
7 leading up to the shooting?

8 A Just a dark SUV was the -- again, one of the victims was  
9 deceased and died before or was dead upon arrival of law  
10 enforcement. Saw a dark SUV. One of the victims was able to  
11 identify the shooter.

12 Q Okay. And before we get to identifying the shooter, does  
13 witnesses describe whether there was just one person in this  
14 vehicle or more?

15 A Said that there were up to three or four.

16 Q And let's talk about the identification of a shooter  
17 (indiscernible). Can you tell us about that?

18 A Yes, sir. Based on -- well, one of the victims knew the  
19 shooter from -- he had previously been in a red and gold or a  
20 Bandidos support club, as was the shooter also a member of a  
21 support club. So he knew him. He knew him by face. And then  
22 was able to find a photograph and provide it to us saying that  
23 it was the -- this gentleman was the shooter. The Houston  
24 Police Department Homicide Division did a third-party photo  
25 lineup and he was able to pick out this individual who was a

1 Bandidos probationary member of the Welcome to Hell chapter.

2 Q Okay. And that individual is not anyone I have here  
3 today. Who was he?

4 A His name is David Vargas. He goes by the name -- by the  
5 alias of First Time or Brake Check I guess depending on what he  
6 wants to be called.

7 Q And Mr. Vargas, he was a probationary member at the time  
8 you said?

9 A Yes. This same rank at the time that Darvi Hinojosa was.

10 Q Okay. Now I am aware that the FBI and other agencies have  
11 conducted some additional investigation on what exactly  
12 happened that day given that there was people in the vehicle,  
13 correct?

14 A Yes, sir.

15 Q Can you walk us through that?

16 A Based off of the information that there were multiple  
17 people involved, we had submitted and obtained a cell tower  
18 dump as it's referred to here, obtained out of the Southern  
19 District of Texas. When I reviewed the dump we had of course  
20 as part of the investigation been compiling Bandidos rosters,  
21 names, members, et cetera, and then phone numbers. When I was  
22 looking at the cell tower dump, I found a number that was  
23 utilized and a number belonging to Darvi Hinojosa in the cell  
24 tower dump, which means he was in the area of the shooting.

25 Q Okay. And did you follow that up with any further

1 investigation or process?

2 A Yes, sir. Based off of that find in the cell tower dump,  
3 I then obtained -- we then obtained a call detail records  
4 search warrant to specifically hone in on Mr. Hinojosa's number  
5 to basically isolate it and track it from all the other numbers  
6 that were in the dump. And the results of that put him almost  
7 right with where the shooter, Mr. Vargas, was right before the  
8 shooting.

9 Q And the call detail records, did they also reveal anything  
10 about communications Mr. Hinojosa had?

11 A Yes, sir. Several hours before and afterwards he was in  
12 multiple communication with Mr. Vargas. And then for the short  
13 window of when the shooting took place, there was no  
14 communications between the two. And then multiple  
15 communications after.

16 Q Was all of this significant to you?

17 A Yes, sir.

18 Q Why?

19 A In our experience, usually for example if you or I are not  
20 in the same spot and we're messaging and talking to each other,  
21 which can be (indiscernible) cell towers, if we're in the same  
22 location in the same vehicle, we're no longer having messages.

23 Q Was it consistent with Mr. Hinojosa being in the vehicle  
24 that evening at the Blue Bayou shooting (indiscernible)?

25 A Yes, sir.

1 Q And you indicated he was a probationary member at that  
2 time?

3 A Yes.

4 Q So next let's move forward to June 3, 2023. We're going  
5 to talk about a different I guess bar or restaurant. This time  
6 the Winters Bar in Pasadena, Texas. Are you familiar with what  
7 happened there, near there on that date?

8 A Yes, sir.

9 Q Okay. So can you start us off on what led up to the  
10 incident?

11 A As the war continued between BEAST and the Bandidos, a  
12 Bandidos member was present at the Winters bar and noticed two  
13 BEAST members arrive. They were recognizable by the cuts that  
14 they were wearing. And orders that he and other Bandidos had  
15 received, he immediately called it in to his chapter that there  
16 were BEAST members present.

17 Q And why would someone do that in the Bandidos? What's the  
18 idea there?

19 A The idea is to know where the rival is, to know what  
20 they're doing, and then to respond, to basically establish  
21 dominance of that bar or to just inflict harm, possibly steal  
22 their cuts, which is another common habit to show dominance.

23 Q Is this an expectation of members of the Bandidos and  
24 their support clubs?

25 A During war, yes, sir.

1 Q Okay. So a Bandido sees a BEAST at the Winters bar in  
2 Pasadena. They contact other members. What happens next?

3 A After the Bandido at the bar -- he made a phone call to --  
4 he reported this to Darvi Hinojosa. There was multiple  
5 communications that were to Darvi Hinojosa regarding the BEAST  
6 members at the bar. There was then communication between Mr.  
7 Hinojosa and two other Bandidos members who were part of the  
8 Central chapter who ultimately responded to that location,  
9 followed one of the BEAST members when he left, and shot him  
10 seven times.

11 Q And so did the BEAST member that was shot, what was the  
12 result of those injuries?

13 A Surprisingly, he lived.

14 Q All right. Just a few follow-up questions on this. So  
15 let's talk about the contact. So how are you aware that the  
16 BEAST member at the bar made contact with various individuals  
17 including -- or in contact with Hinojosa?

18 A We've done multiple interviews that said as such. We did  
19 a cellular tower dump off (indiscernible) out of the Southern  
20 District that was capturing those calls. We have the actual --  
21 when we arrested Mr. Hinojosa on state cocaine trafficking  
22 charges obtained a cellular phone examination warrant out of  
23 the Southern District. We saw those calls. When we get call  
24 detail record search warrant authorized out of the Southern  
25 District, we saw those calls. So multiple proofs of evidence.

1 Q So we'll talk a little bit more about the calls in a few  
2 minutes here. But you indicated that the victim on this case,  
3 they did survive, correct?

4 A Yes, sir.

5 Q But they sustained multiple life-threatening gunshot  
6 wounds?

7 A Yes, sir.

8 MR. BLACK: May I approach the witness?

9 THE COURT: Yes, you may.

10 BY MR. BLACK:

11 Q TFO, I'm showing you now what has been marked for  
12 identification as Government's Exhibits 2 and 3. Do you  
13 recognize these photos?

14 A Yes, sir.

15 Q How do you recognize them?

16 A This is the victim of the shooting who was at the Winters  
17 bar who was shot seven times.

18 Q And does this depict several gunshot wounds he sustained?

19 A Yes, sir.

20 MR. BLACK: Government offers Exhibits 2 and 3.

21 MS. RAYNOR: Your Honor, we are going to object to  
22 these being offered into evidence. (indiscernible) testified  
23 (indiscernible) shot seven times (indiscernible).

24 THE COURT: It's relevant. And, I mean, this is just  
25 a detention hearing. So I'm going to admit them.

1                   Actually, Mr. Troiani, any...

2                   MR. TROIANI: Yes, Your Honor. And simply at this  
3 point the Government hasn't linked this to my client. So at  
4 this point we would object until the Government can do so.

5                   THE COURT: Well, the Court can weigh the relevance  
6 with respect to the individual defendants.

7                   MR. TROIANI: Right. But we are objecting. Thank  
8 you.

9                   THE COURT: So on that basis for objection. Okay.  
10 You know, I'll consider them to the extent they are relevant.

11                   (Government's Exhibits 2 and 3 entered into evidence)

12                   MR. BLACK: Understood. May I approach?

13                   THE COURT: Yes, you may.

14 BY MR. BLACK:

15 Q                Okay. So TFO, let's move on to the investigation into who  
16 did this and who is responsible for shooting the victims at the  
17 time. So you were involved in that and aware along with other  
18 members of the FBI and the Texas Department of Public Safety?

19 A                Yes, sir.

20 Q                Can you walk us through that investigation here?

21 A                After the shooting occurred, we were able to -- based off  
22 the victim who was able to give a statement of the type of  
23 truck and that it had a white cooler in the back of it, one of  
24 our partners was able to find a truck already just placed out  
25 at public surveillance cameras that was able to photograph and

1 capture a picture of the truck that had the white cooler in it  
2 and we were able to notice that it had a fictitious tag on it  
3 or a tag that just didn't come back to that vehicle.

4 Q And what vehicle did it come back to?

5 A Again, it was on a Ford F-150, but it came back to an  
6 older-model Astro minivan.

7 Q Was that (indiscernible)?

8 A It was. And of course it's common for someone who is  
9 going to go commit a crime to put on another license place to  
10 try to throw off law enforcement.

11 Q So what else did the agent find?

12 A That same agent was able to find the minivan using other  
13 investigative means. And when he found it, he found that it  
14 was missing the license plate, that it had been taken from it.

15 Q Now, were you eventually able to identify who that  
16 vehicle, the Ford F-150 specifically --

17 A Yes, sir.

18 Q -- that did the shooting, who that belonged to?

19 A Yes, sir.

20 Q Tell us about that.

21 A We were able to then match it with the same truck saw  
22 later in the night that had the right license plate put back  
23 onto it and then through other investigative means identified  
24 it as belonging to a member of the Bandidos Central Houston  
25 chapter.

1 Q And that was I think a Mr. Stephen Alms. Is that correct?

2 A Stephen Alms, who goes by the street name Cowboy.

3 Q So you also I know got in this investigation some cell  
4 sites historical location data; is that correct?

5 A Yes, sir.

6 Q And tell us about what that revealed.

7 A We of course once we identified Mr. Alms, we were able to  
8 do call detail records for a search warrant authorized by this  
9 district and saw his movements throughout coming from North  
10 Houston down into kind of the southwest Houston area and then  
11 showed a pattern of what's consistent of powering his phone  
12 off.

13 Q And was that significant to you?

14 A Yes, sir.

15 Q Why is that?

16 A In our training and experience, usually members or  
17 criminals that have a little bit of snap try to throw off law  
18 enforcement knowing that we can track signal or track their  
19 movement by cell towers, will deactivate their phone so it's  
20 not communicating with the tower. Then they'll power it back  
21 on after the crime has taken place.

22 Q So this shooting, it happened at -- it was approximately  
23 1:30 a.m. on -- probably that would have been June 3, 2023.

24 A Yes, sir.

25 Q So the phone of Alms, it was off at that time?

1 A He powered off. He had talked to Mr. Hinojosa -- I don't  
2 have the time right in front of me, but shortly before he  
3 powered off.

4 Q Okay. And it was off at the time of the shooting?

5 A Yes, sir.

6 Q And did it subsequently turn back on?

7 A Yes, sir. He turned it back on at approximately 2:15 and  
8 he attempted to call Mr. Hinojosa.

9 Q So we're going to talk about Mr. Sblendorio, the other  
10 individual here today in a little bit more detail in a moment  
11 here regarding how he was identified. But just so we're  
12 talking about the cell site information all at once, you  
13 learned that he was involved, correct?

14 A Yes, sir.

15 Q And you also looked for cell site information on his  
16 device, correct?

17 A Yes, sir.

18 Q What did you find?

19 A We were able to obtain a call detail record search warrant  
20 on Mr. Sblendorio's phone. And it showed a pattern of movement  
21 towards kind of the southwest Houston area as well, wherever  
22 Mr. Alms' phone had also been before it powered off. And then  
23 we saw that Mr. Sblendorio's phone showed a pattern of being  
24 consistent with also powering his phone off for several hours.  
25 And then he powered it back on around 4:00 in the morning.

1 Q So again, consistent based upon your training and  
2 experience (indiscernible) individuals engaged in criminal  
3 activity --

4 A Yes.

5 Q -- avoiding tracking by law enforcement?

6 A Yes, sir.

7 Q So let's talk about how Mr. Sblendorio -- one of the ways  
8 that he came on your radar. And that I understand was from the  
9 phone call or toll records; is that correct?

10 A Yes, sir. Well, when we had arrested Mr. Hinojosa on his  
11 state cocaine trafficking case and we obtained a search warrant  
12 here out of the Southern District to examine his phone was able  
13 to see his Signal calls, which is an encrypted application that  
14 many Bandidos use to communicate as it communicates with the  
15 towers a little differently. But if you have the device, you  
16 can see the app. On a call detail record, it only shows data.  
17 But if -- because I had the phone, I could see the  
18 communications. And he had -- he was only communicating with  
19 two individuals directly before the shooting and right after  
20 the shooting. And that was Mr. Alms and then Mr. Sblendorio.

21 Q And was that noteworthy to you?

22 A Yes, sir.

23 Q And why?

24 A Again, it kind of showed a pattern based on what we were  
25 already learning based off Mr. Sblendorio's movements that he's

1 probably briefing both of them on what's going on. And then --

2 MS. RAYNOR: Objection, Your Honor. Speculative.

3 MR. TROIANI: We join, Your Honor.

4 THE COURT: Why would you make that assumption?

5 THE WITNESS: Because of his rank structure and that  
6 he's a shot caller.

7 THE COURT: I'm going to overrule the objection.

8 BY MR. BLACK:

9 Q You can continue.

10 A So based off that communication and then he even sent a  
11 Signal message to Mr. Sblendorio with an instruction of letting  
12 somebody take his Jeep home.

13 MR. BLACK: May I approach the witness?

14 BY MR. BLACK:

15 Q So, TFO, I'm showing you now what's been marked as  
16 Government's Exhibits 4 and 5. Do you recognize these items?

17 A Yes, sir.

18 Q Let's start with Exhibit 4. What do you recognize those  
19 items to be?

20 A That's a timeline that we were able to put together after  
21 obtaining the results of the cell tower dump, the call detail  
22 records of Mr. Hinojosa and Mr. Sblendorio, Mr. Alms, the  
23 forensic investigation of Mr. Hinojosa, the cell tower dump.

24 And we were able to piece it all together and build a timeline  
25 of all the phone communications and locations prior to, during,

1 and right after the shooting of the BEAST member.

2 Q Is it fair to say that this is a summary and a timeline of  
3 the various --

4 A Yes, sir.

5 Q -- investigative information you had into a readable  
6 format?

7 A Yes, sir.

8 Q So moving to Government's Exhibit 5. How do you recognize  
9 that?

10 A That is a screenshot of a Signal message ring on Mr.  
11 Sblendorio's cell phone that we got after his arrest and  
12 obtained via the forensic exam search warrant on his phone of a  
13 conversation that he -- or his communication on the Signal app  
14 with Mr. Sblendorio on June the 2nd of 2023 leading up to the  
15 shooting.

16 Q And here -- we'll talk about it more in a minute. But  
17 specifically on Exhibit 5, there are text messages that you  
18 mentioned earlier today, correct?

19 A Yes, sir.

20 Q We'll talk about that in a minute.

21 MR. BLACK: Government offers Exhibits 4 and 5.

22 MS. RAYNOR: No objection, Your Honor.

23 MR. TROIANI: No objection, Your Honor.

24 THE COURT: All right. Government's Exhibits 4 and 5  
25 are admitted for this hearing.

1 (Government's Exhibits 4 and 5 entered into evidence)

2 MR. BLACK: May I approach?

3 THE COURT: Yes.

4 BY MR. BLACK:

5 Q TFO, I'm going to ask you just to kind of walk us through  
6 Government's Exhibit 4, because there is a lot of information  
7 there, and explain the significance of it and kind of just help  
8 us put it in context. Are you comfortable doing that?

9 A Yes, sir.

10 Q Okay.

11 A And I've got that in front of me.

12 Q Perfect. And we start at the top with a name that we  
13 haven't heard yet. And I guess I'll help us along here. So  
14 one person I did identify, the person at Winters bar who called  
15 in, hey, I see some BEAST members here, as Mr. Christopher  
16 Newbie, correct?

17 A Yes, sir.

18 Q And what was his status with the Bandidos at that time?

19 A He was an official Bandidos hang around.

20 Q Okay. And so he was in the process of becoming a member  
21 of the Bandidos?

22 A Yes, sir. So he had a cut that had a Bandidos shield on  
23 it, but he was in the first stage of becoming a Bandidos  
24 member.

25 Q Okay. So when we see Newbie in here, that's the

1 individual at Winters bar informing others, specifically Mr.  
2 Hinojosa, hey, there are Beasts here?

3 A Yes, sir.

4 Q Okay. So walk us through kind of generally what we see  
5 here to help us understand.

6 A Again, there were other ways of us knowing this, but the  
7 cell tower dump was the -- just evidence that we put on here  
8 showing that Mr. Newbie initiated the call to Mr. Hinojosa  
9 reporting that BEAST members were present. And then throughout  
10 the night, of course it looks like the first three calls are in  
11 between Mr. Newbie and Mr. Hinojosa, but they spoke several  
12 times throughout the night. Whenever Mr. Hinojosa would call  
13 for updates on -- if there had been any change, if more BEAST  
14 members had shown up, they left, what they were wearing, et  
15 cetera.

16 Q Then eventually we get to a communication I think at 10:41  
17 p.m. between Hinojosa and Alms, correct?

18 A Yes, sir.

19 Q And what's that consistent with?

20 A Just consistent with as a shock collar is being able to  
21 assign individuals to go to the bar and take care of it.

22 Q And is it also consistent with other information you gave  
23 in this investigation from confidential sources?

24 A Yes, sir.

25 Q So just kind of walk us through quickly here the high

1 points of the rest of what we see here.

2 A Just communication between the two. And based off the  
3 CDRs we knew that Mr. Alms and Mr. Sblendorio were not in the  
4 same location at the beginning when these calls were taking  
5 place and that they had to have met up, and which they did in a  
6 kind of basically Mr. Hinojosa talking to both of them. And  
7 then once they got together, continued to communicate with him.

8 Q We do see, just to I guess make it clear, so the first  
9 communication it looks like between Hinojosa and Mr.  
10 Sblendorio, that was about 10:46 p.m. Is that right?

11 A Yes, sir.

12 Q And that's on the line or paragraph tab, correct?

13 A Yes, sir.

14 Q And so fair to say shortly after calling Alms, Mr.  
15 Hinojosa calls Mr. Sblendorio?

16 A Yes, sir.

17 Q And then that continues through the page. Anything else  
18 you feel like you need to note or explain on this record?

19 A Just up on the second page as stated of whenever Mr.  
20 Hinojosa was not able to get in touch with both of them because  
21 they had both deactivated their phones. And then of course at  
22 2:14 a.m. when Mr. Almos powers his phone back on, his first  
23 call is to Mr. Hinojosa after the shooting occurred.

24 Q Okay. So a number of these calls that we see from  
25 Hinojosa to Alms and Sblendorio towards the end, you're saying

1 that those were calls that were attempted while Alms and  
2 Sblendorio's phones were off?

3 A Yes, sir. When looking at Mr. Hinojosa's phone, it  
4 clearly shows if a signal via the Signal app if the call is  
5 connected or if it's missed. And there were several missed  
6 calls. Because if your phone is off, it's gong to miss.

7 Q Understood. Now let's move on to Government's Exhibit 5.  
8 You mentioned this a little bit earlier, but there's a text  
9 message towards the bottom of that exhibit that I think has  
10 some significance for your investigation; is that right?

11 A Yes, sir.

12 Q Tell us about that.

13 A So from reviewing Mr. Hinojosa's cell phone, we were able  
14 to find this message at approximately 11:04:35 p.m. where  
15 Hinojosa is telling Sblendorio to let Kevin take his Jeep home.

16 Q And why did that stand out to you?

17 A Well, we know that Mr. Sblendorio has a Jeep. He has a  
18 little white Jeep. And that in our investigation, we knew that  
19 Mr. Sblendorio had met up with Mr. Alms and that Mr. Sblendorio  
20 drove Mr. Alms' truck and had to leave his Jeep at a location.  
21 When Mr. Sblendorio arrived to meet with Mr. Alms, he had  
22 another Bandido that was hanging around with him named Kevin  
23 Jenkins, who they are referring to here. So Mr. Hinojosa just  
24 told Mr. Sblendorio I guess now that you're driving Mr. Alms'  
25 truck, just let Kevin take your Jeep home.

1 Q So before we move on from this incident, one of the  
2 sources of information that we mentioned a few times here are  
3 the cooperators and confidential sources you've obtained  
4 information from regarding this incident, correct?

5 A Yes, sir.

6 Q Now, based upon your investigation and working with those  
7 individuals, do you believe them to be credible and reliable?

8 A Absolutely.

9 Q And what did you learn about the roles of Alms, Mr.  
10 Hinojosa, and Sblendorio on what happened on June 3, 2023  
11 outside of Winters?

12 A Again, Mr. Newbie placed the call to Mr. Hinojosa  
13 reporting the BEAST members being present. Mr. Hinojosa then  
14 got on the phone and talked to Mr. Alms and Mr. Sblendorio.  
15 Alms and Sblendorio met up in South Houston. Sblendorio was  
16 told to drive Alms' truck. Alms was the passenger. Sblendorio  
17 drove the truck with him and Alms over to the Winters bar.  
18 They set up surveillance. When the BEAST members left, they  
19 followed -- the BEAST members split up. One of them went on  
20 the big road and one stayed on some of the roads with lights,  
21 et cetera, down around the feeder. They followed him. When he  
22 stopped at a spotlight, Mr. Sblendorio stopped behind him. Mr.  
23 Sblendorio drove the truck to the left-hand side of the BEAST  
24 member where Mr. Alms shot him seven times.

25 Q Okay. And so driving around the left side of the victim,

1 that's so that the passenger, Alms, can shoot out the window.

2 A Yes, sir.

3 Q Okay. And is this corroborated by the other evidence you  
4 gained in this case?

5 A Yes, sir.

6 Q Specifically call records, phone records, and location  
7 data?

8 A Yes, sir.

9 Q So also from confidential sources you learned that Mr.  
10 Hinojosa made some communications with others regarding one of  
11 these individuals, one of the victims in the following days,  
12 correct?

13 A Yes, sir.

14 Q Tell us about that.

15 A He showed a photo of the victim who was supposedly laying  
16 in a bed to an individual who said this was the guy at the  
17 Winters bar and he lived.

18 THE COURT: I'm sorry, back up. Who is saying this?

19 THE WITNESS: I'm sorry, ma'am. Mr. Hinojosa showed  
20 the photo to an individual.

21 BY MR. BLACK:

22 Q And you mentioned that they were in a bed. What sort of  
23 bed was this?

24 A A hospital bed.

25 Q Thank you. All right. so now let's move on to February

1 23, 2023. We'll go through this a little more quickly here.  
2 On that date, I am aware that you investigated and other law  
3 enforcement investigated an assault and robbery that occurred  
4 at Bimbo's bar.

5 A Yes.

6 Q Is that right?

7 A Yes, sir.

8 Q Tell us about that.

9 A On that night there was a Bandidos regional meeting, so  
10 there were numerous Bandidos there from basically every chapter  
11 in the greater Houston area who attended this meeting. Another  
12 motorcycle club that basically known to be kind of sponsored  
13 and friendly to the Bandidos was ordered to attend this  
14 meeting.

15 Q And what happened when they arrived?

16 A They were confronted over an issue that had to do with  
17 peace and respect with BEAST, their rival. And then they were  
18 ultimately severely assaulted and had their cuts and all their  
19 personal items that were in the cuts taken off their bodies and  
20 robbed.

21 Q Just a few questions there. We talked about cuts a few  
22 times and I don't think I actually asked you to explain what a  
23 cut is for the record. What is a cut?

24 A It's usually a leather or jean material vest that a member  
25 wears. And it has various patches on it. Of course for the

1 Bandidos, it will have his three-piece patch. Again, as you  
2 progress, you earn certain patches. But it makes you clearly  
3 recognizable amongst themselves, amongst rivals, amongst the  
4 public as a member of that motorcycle gang or, again, support  
5 clubs, half-cuts as well. And it is really kind of has your  
6 story. Your rank, your membership, violent patches you've  
7 earned, runs or trips you've been on, funerals you've gone to.

8 Q Okay. And so the cuts that were taken from the Gray  
9 Beards, what's the significance of taking someone's cut?

10 A As part of the war, the taking of cuts is really  
11 considered like the ultimate act of disrespect, the ultimate  
12 act of dominance. Like we're ripping your cut off of you, like  
13 we're shutting you down. A lot of bylaws and rules of the  
14 Bandidos and other clubs basically say don't ever give up your  
15 cut, don't ever come out of it.

16 Q Now, talking about the actual assault and robbery, fair to  
17 say they didn't willingly give over their cuts?

18 A No, sir.

19 Q It was done with use of violence?

20 A Yes, sir.

21 Q And how many Gray Beards were there?

22 A We had 14.

23 Q And approximately how many Bandidos were at the bar that  
24 night?

25 A Numbering close to a hundred.

1 Q Was this captured on surveillance at the bar at all?

2 A Yes, sir. The bar had surveillance cameras.

3 Q What did it show?

4 A There were different angles. The front, the sides, and the  
5 back. And that showed numerous Bandidos milling around the  
6 bard. And then the back corner of the bar, you could see a  
7 group of Bandidos and where the Gray Beards were talking. And  
8 then all of the sudden a fight breaks out.

9 MR. BLACK: May I approach?

10 THE COURT: Yes, you may.

11 BY MR. BLACK:

12 Q So, TFO, I am showing you now Government's Exhibits 6 and  
13 7. Do you recognize these items?

14 A I do.

15 Q So let's start with Exhibit 6. What do you recognize this  
16 as?

17 A Exhibit 6 are -- again, they're smaller, but we saw bigger  
18 versions of them. These are screenshot images, stills from the  
19 surveillance camera at Bimbo's where we were able to isolate  
20 and recognize Darvi Hinojosa.

21 Q And you and other agents reviewed these, correct?

22 A Yes, sir.

23 Q Are you both familiar with Mr. Hinojosa's appearance?

24 A Yes, sir.

25 Q And in watching the video, did you and others recognize

1 Mr. Hinojosa?

2 A Yes, sir.

3 Q And there are little arrows I think on here.

4 A Yes.

5 Q It's difficult to see. But what are those arrows?

6 A The arrows are pointing to Mr. Hinojosa as he leaves the  
7 area of the assault and then walks to the front of the bar and  
8 then gets on his motorcycle with the rest of his Welcome to  
9 Hell chapter.

10 Q And then let's talk about Exhibit 7. What's that?

11 A Exhibit 7 is a photograph that we had seen before, but we  
12 also saw it on the forensic examination of Mr. Hinojosa's phone  
13 after we arrested him for cocaine trafficking. And it showed  
14 the stolen Gray Beard's cuts laying on the floor of a Bandido  
15 member's garage.

16 Q And is this a screenshot or capture of that from Mr.  
17 Hinojosa's phone?

18 A Yes, sir.

19 Q Taken subsequent.

20 A Yes, sir.

21 MR. BLACK: Government offers Exhibits 6 and 7.

22 MS. RAYNOR: No objection, Your Honor.

23 MR. TROIANI: Objection as to Mr. Sblendorio's  
24 connection.

25 THE COURT: The Court will weigh the relevance with

1 all the evidence, so the objection is overruled.

2 (Government's Exhibits 6 and 7 entered into evidence)

3 MR. BLACK: May I approach?

4 THE COURT: Yes.

5 BY MR. BLACK:

6 Q So, TFO, one final point I want to make on the Bimbo's  
7 assault. So you mentioned that the surveillance cameras, they  
8 don't capture the fact that the bar where the assault actually  
9 occurred clearly, correct?

10 A Not at all. No, sir. I mean, in terms of capturing all  
11 the assault, no, sir.

12 Q Understood. It just kind of captures an area where people  
13 would be walking out afterwards essentially?

14 A Yes, sir. You can see a few swings. You can see that  
15 there is a fight going on, but the entire thing is not  
16 captured.

17 Q And where on the surveillance video is Mr. Hinojosa seen  
18 coming from?

19 A Where the assault and robbery took place.

20 Q And then you may have mentioned this, and if you have I  
21 apologize. But was anything seen on the surveillance video  
22 regarding these Gray Beards' cuts?

23 A Yes, sir. During the assault as it was continuing, you  
24 could see Bandidos members throwing the cuts into what we later  
25 saw on the surveillance video to be almost like an industrial -

1       - like those big gray trashcans that have two handles on the  
2       side of them. And there might be some in the courtroom or in  
3       the court building.

4       Q       Now, (indiscernible). One last thing on Bimbo's. Did you  
5       do any investigation into who was present other than just  
6       looking at surveillance video?

7       A       Yes, sir. We did a -- we received a search warrant here  
8       out of the Southern District of Texas for a cellular tower dump  
9       of that bar area.

10      Q       And did that cellular tower dump show various Bandidos  
11       members' numbers including that of Mr. Hinojosa?

12      A       Yes. Numerous Bandidos. We were able to put there  
13       including Mr. Hinojosa.

14      Q       So he showed up in that area at Bimbo's during the time of  
15       the assault?

16      A       Yes.

17      Q       Okay. Last big subject on Mr. Hinojosa is drug  
18       trafficking. So during your investigation of Mr. Hinojosa, did  
19       you uncover evidence that he was engaged in drug trafficking?

20      A       Yes, sir.

21      Q       What was that evidence?

22      A       Specifically cocaine. We had made an arrest of some  
23       individuals that identified the cocaine as belonging to Mr.  
24       Hinojosa. We were able to conduct some controlled purchases of  
25       cocaine directly from Mr. Hinojosa.

1 Q And let's talk about that traffic stop. That was August  
2, 2023, correct?

3 A Yes, sir.

4 Q And on that date did law enforcement stop a vehicle of a  
5 Bandido member or prospect -- or I think hang around, correct?

6 A Yes, sir.

7 Q Leaving Mr. Hinojosa's place?

8 A It was actually leaving John Pfeffer's place, the chapter  
9 president. But he had met up with Mr. Hinojosa in the front  
10 yard.

11 Q Okay. And so tell us about meeting in the front yard?

12 A Law enforcement had established surveillance at the  
13 residence of the Welcome to Hell chapter president, John  
14 Pfeffer, who goes by Big John. Law enforcement observed this  
15 Bandidos hang around arrive. He walked empty-handed into the  
16 front yard. He -- law enforcement observed him meeting with  
17 Darvi Hinojosa in the front yard. Law enforcement was blocked  
18 and couldn't see everything. But then once their meeting was  
19 done, they saw the hang around head back to his vehicle and he  
20 was carrying a bag that he did not have when he arrived. The  
21 hang around guy, his vehicle had left and was pulled over for  
22 traffic violations.

23 Q And during a subsequent search of that hang around's  
24 vehicle, was that bag the hang around was seen walking back to  
25 their vehicle with from Hinojosa recovered?

1 A Yes, sir.

2 Q And what if anything was found in that bag?

3 A Approximately 12 grams of cocaine.

4 Q Were there also visual scales in that bag?

5 A Yes, sir.

6 Q And was there also a loaded firearm magazine?

7 A Yes, sir.

8 Q So next just quick here, on October 1, 2023 using a  
9 confidential informant did law enforcement conduct a controlled  
10 purchase of cocaine from Mr. Hinojosa?

11 A Yes, sir.

12 Q And was that of approximately 6.8 grams of cocaine?

13 A Yes, sir.

14 Q And that occurred here in the Southern District of Texas?

15 A Yes, sir.

16 Q And next on October 14th, 2024, on that date did a  
17 confidential source conduct a controlled purchase of one ounce  
18 of cocaine from Mr. Hinojosa?

19 A Yes, sir.

20 Q And that also occurred here in the district?

21 A Yes, sir.

22 Q We talked a few times about Mr. Hinojosa's phone and  
23 searching it following one of his arrests. Did that also  
24 reveal evidence of drug trafficking?

25 A Yes, sir. A lot of evidence spanning a few years of

1 cocaine trafficking.

2 MR. BLACK: May I approach the witness?

3 THE COURT: You may.

4 BY MR. BLACK:

5 Q TFO, I am showing you now what's been marked as  
6 Government's Exhibit 8, 9, and 10. Do you recognize these?

7 A I do.

8 Q How do you recognize them?

9 A These are just some of the isolated messages regarding Mr.  
10 Hinojosa's cocaine trafficking that was recovered from his cell  
11 phone.

12 Q Fair to say this is just a small sampling of some of those  
13 messages?

14 A Small sample.

15 MR. BLACK: Government offers exhibits 8, 9, and 10.

16 MS. RAYNOR: No objection, Your Honor.

17 MR. BLACK: May I approach?

18 THE COURT: Mr. Troiani?

19 MR. TROIANI: And as to Mr. Sblendorio, again, this  
20 has to do with Mr. Hinojosa.

21 (Government Exhibits 8, 9, and 10 entered into  
22 evidence)

23 BY MR. BLACK:

24 Q TFO, could you just kind of walk us through Exhibits 8, 9,  
25 and 10 and what's in those?

1 A Oh, I'm sorry. That's ten, yeah. Yeah.

2 Q Starting with Government's Exhibit 8, could you just  
3 quickly tell us based upon your training and experience what  
4 that conversation is regarding (indiscernible) in that  
5 conversation?

6 A Yes, sir. Exhibit 8 is an individual by the name of  
7 Skinner who we know to be a Banditos member of the Welcome to  
8 Hell chapter who goes by Skinner or Skin Man. And he was  
9 messaging Mr. Hinojosa on February 23rd of this year asking him  
10 if -- that he wants to get a ball, which is in narcotics terms  
11 refers to an eight ball of cocaine, which is 3.5 grams.

12 Q And then there's a response from someone whose name on the  
13 phone is D Money saying okay. Who is that?

14 A From looking at the cell phone, that's how -- when you do  
15 encrypted messages, you can come up with your own name. And of  
16 course when you look at the forensic examination and it says  
17 whose phone it is and it identifies Mr. Hinojosa. It also has  
18 what their names on their accounts are. So you can call  
19 yourself whatever you want. But the green is his phone. And  
20 his nickname in there is D Money.

21 Q Okay. So in the application being used to review this,  
22 the green messages are Mr. Hinojosa?

23 A Yes, sir.

24 Q So next moving on to Government's Exhibit 9. What is  
25 this?

1 A It's just another messages from February of this year  
2 where, again, in this conversation Mr. Hinojosa, that's just  
3 his number. He doesn't have a nickname in this conversation.  
4 But he had sent a message to this individual who has a nickname  
5 of Ocho, which means eight, that Mr. Hinojosa is saying that  
6 he's got some -- if you translate that into narcotics terms,  
7 that he's got some new good cocaine in and that it's \$700 for a  
8 zip, which is an ounce, which is common for an ounce of  
9 cocaine.

10 Q And finally, Government's Exhibit 10. Can you summarize  
11 what you see there?

12 A A conversation between Mr. Hinojosa again. In this  
13 conversation he has his nickname of D Money. Mr. Andy Rivera  
14 has initiated contact with Mr. Hinojosa saying he got his  
15 number from his buddy, Corky. Corky is a Bandidos member out  
16 of the Sblendorio chapter who Mr. Hinojosa had also supplied  
17 with cocaine per messages. Mr. Rivera is asking Mr. Hinojosa  
18 if he can come through and basically -- which is -- sometimes  
19 they are not as clear on messages. Like hey, can I get an  
20 ounce of cocaine. It's just hey, can I come see you. Again,  
21 sometimes they say hey, can I get a ball, but they don't  
22 typically come out and say exactly what they're looking for in  
23 case law enforcement recovers the message.

24 But Mr. Hinojosa actually asked him, hey, what are you  
25 looking for. And then he asked him what's your eight running,

1 which is basically asking for that amount for an eight ball.

2 Q Thank you. And let's talk about two days ago at this  
3 point. So you're aware that Mr. Hinojosa, an indictment was  
4 returned by the grand jury here and a warrant was issued for  
5 his arrest?

6 A Yes, sir.

7 Q And also did law enforcement secure a warrant to search  
8 his residence and some of his vehicles?

9 A Yes, sir.

10 Q Are you familiar with the search and arrest operation for  
11 Mr. Hinojosa?

12 A Yes, sir.

13 Q So tell us about (indiscernible).

14 A Law enforcement, based off of the violent history of our  
15 investigation of Mr. Hinojosa, the FBI Houston SWAT Team made  
16 the entry, secured the arrest of Mr. Hinojosa on the federal  
17 warrant. And then FBI and law enforcement search team executed  
18 the search warrant.

19 Q What if anything of relevance was recovered inside of the  
20 residence?

21 A Cocaine, his Banditos cut, his cell phone and some firearm  
22 magazines.

23 Q What was the cell phone -- what state was in when it was  
24 recovered by law enforcement?

25 A It looked like it had been shattered, cracked.

1 Q It appeared to be damaged?

2 A Yes, sir.

3 Q Was it still powered on, however?

4 A I believe it was, yes, sir.

5 MR. BLACK: May I approach the witness?

6 THE COURT: You may.

7 BY MR. BLACK:

8 Q So (indiscernible) Government's Exhibits 11 through 22.

9 A Mm-hmm.

10 Q Do you recognize (indiscernible)?

11 A Yes.

12 Q Do you recognize those exhibits?

13 A I do.

14 Q How do you recognize them?

15 A As the items of evidence that were either photo'd and  
16 collected or just photographed at Mr. Hinojosa's residence.

17 Q So these are (indiscernible) you just described?

18 A Yes, sir.

19 MR. BLACK: Government offers Exhibits 11 through 22.

20 MS. RAYNOR: No objection, Your Honor.

21 MR. TROIANI: None from Mr. Sblendorio.

22 THE COURT: Let me ask, how much more evidentiary  
23 presentation do you have? Because it's already 10:00. I've  
24 got three more hearings at 10:00.

25 MR. BLACK: Yes, Your Honor. So Mr. Sblendorio's

1 (indiscernible). However, (indiscernible).

2 THE COURT: Okay. Well, just keep things moving.

3 MR. BLACK: Okay. Thank you.

4 (Government exhibits 11 through 22 entered into  
5 evidence)

6 MR. BLACK: May I approach?

7 THE COURT: Yes.

8 BY MR. BLACK:

9 Q Okay. TFO, we'll do our best to speed things up here. If  
10 we can kind of quickly go through Exhibits 11 through 22 and  
11 describe what we're seeing.

12 A Eleven are some loose firearm rounds, live firearm rounds  
13 that were recovered in the residence. Exhibit 12 is a bag of  
14 cocaine that was in Mr. Hinojosa's residence, which is a  
15 violation of the bond conditions. A pistol magazine for a  
16 Ruger that was in the house. Numerous Bandidos paraphernalia,  
17 patches, et cetera. And that's in Exhibit 14. The one of note  
18 is the Safari Team, which is a violent designation patch that  
19 you're actually out hunting BEAST members.

20 Q Okay. Any --

21 A Exhibit 15, his wallet of the SS Crew, which is an  
22 enforcer crew that goes out and commits violence. An Expect No  
23 Mercy ring, his Bandidos cut, which again has Expect No Mercy  
24 and the SS Crew, which are basically violent designators. 11,  
25 a baggie of cocaine.

1 Q Exhibit 19. I'm sorry. That's --

2 A I'm sorry, yeah. Yeah, 19. I was looking at the evidence  
3 tab.

4 Q And 18 I know we went over quick here, but is this a  
5 picture of the front of his cut?

6 A Yes, sir.

7 Q And then it has his rank on it?

8 A Yes, sir. Sergeant at arms, his Welcome to Hell chapter,  
9 and then again Expect No Mercy and the SS Crew lightning bolts.

10 Q Exhibit 20?

11 A Exhibit 20 is some cocaine and cocaine baggies and scale  
12 that were in Mr. Hinojosa's father's room, who we had received  
13 information was actually supplying Mr. Hinojosa with cocaine,  
14 Darvi Hinojosa with cocaine.

15 Q And Exhibits 21 and 22, those are the front and back of a  
16 cut; is that right?

17 A Yes, sir. Mr. Hinojosa's father is a member of a Bandidos  
18 support club. And that's basically a good view of what a  
19 support club cut looks like with the 22, that Bandidos  
20 (indiscernible). Basically with that you're an official  
21 Bandidos support club.

22 Q Okay. And so now we are going to move on to Mr.  
23 Sblendorio. So are you familiar with Mr. Sblendorio from your  
24 investigation into the Bandidos?

25 A Yes, sir.

1 Q What can you tell us about his association or membership  
2 in the Bandidos?

3 A We had identified Mr. Sblendorio as a member of the  
4 Central Houston chapter of the Bandidos. The Central Houston  
5 chapter and the Welcome to Hell chapter are very close, almost  
6 like brother chapters. And they're usually always together.

7 Q And when you say he's a member, what's his status? Is he  
8 probationary or is he fully patched?

9 A He's a fully patched member. He even held the rank of  
10 secretary.

11 Q Okay. So he has previously held that rank within the  
12 chapter?

13 A Yes, sir.

14 Q Does he have any alias or nickname you're aware of?

15 A Yes, sir. He goes by the alias of Tech Nine.

16 Q Now, I'm aware there's been kind of some change at the  
17 status within the Bandidos over the years, and that's  
18 significant to you. Can you tell us about that briefly?

19 A Yes, sir. Of course he had to earn -- he had to prospect  
20 and he had to earn his way to become a Bandido. You know, you  
21 prospect for six months, you earn the right to become a member.

22 He was disciplined and basically bumped back down to a  
23 prospect, which means that he violated rules. We have some  
24 text messages that say that I guess he was questioning orders  
25 or not following orders well enough. And he was made a

1 prospect again. And he wanted to earn it back. So he stayed  
2 in and put in the work. Had a chance to leave the Bandidos,  
3 but he stayed in and became a member again.

4 Q Based upon your knowledge of the Bandidos and motorcycle  
5 gangs in general, is the fact that he prospected noteworthy?

6 A It is. It shows pretty much a diehard loyalty to the  
7 gang.

8 Q And prospecting, is that an easy process?

9 A It is not. We've had people say it's hell on earth.

10 Q Okay. So I'm going to show you a few items. Government's  
11 Exhibits 23 through 25.

12 MR. BLACK: May I approach the witness?

13 THE COURT: Yes, you may.

14 BY MR. BLACK:

15 Q TFO, I am showing you now three items marked 23, 24, and  
16 25. Do you recognize these items?

17 A I do.

18 Q How do you recognize them?

19 A These are photos that we were able to recover on social  
20 media of Mr. Sblendorio and his girlfriend.

21 Q And Mr. Sblendorio -- well...

22 MR. BLACK: Your Honor, Government offers Exhibits  
23 23, 24, and 25.

24 MR. TROIANI: No objection, Your Honor.

25 THE COURT: Government's Exhibits 23, 24, and 25 are

1 admitted for this hearing.

2 (Government's Exhibits 23, 24, and 25 entered into  
3 evidence)

4 MR. BLACK: May I approach?

5 THE COURT: Yes, you may.

6 BY MR. BLACK:

7 Q So TFO, can you walk us through each of these quickly here  
8 telling us the significance as far as really what Mr.  
9 Sblendorio is wearing?

10 A He is wearing -- at this time, you know, not being a  
11 prospect, he is wearing his Bandidos cut of a full patch  
12 member. You see on Exhibit 23 how the back of a full patch  
13 Bandidos member's cut looks with the one percent diamond  
14 advertising yourself as an outlaw. The savage -- pardon my  
15 language, the Savage Motherfuckers tab at the bottom is a patch  
16 that's commonly worn by the violent chapters of Welcome to Hell  
17 and Central. Even though he -- I'm sorry. And then Chapter 24  
18 is pretty much the same patch.

19 Twenty-five you can see. And the front of his cut, which  
20 basically a Bandido will wear his chapter, his primary chapter  
21 tab over his heart. And he has Central Houston. Underneath it  
22 he has Welcome to Hell, which certain chapters will give you  
23 their chapter patch you can put on if you ever spent a lot of  
24 time with them, commit a crime with them and they really trust  
25 you as kind of one of their own. So he's got both chapter tabs

1 on.

2 Q So Mr. Sblendorio -- we already really talked about kind  
3 of earlier in talking about the attempted murder at Winters on  
4 June 3, 2023. But can we just kind of -- I'm obviously going  
5 to speed this along here. Fair to say just as a reminder your  
6 investigation showed he was the driver during the attempted  
7 murder of the BEAST victim on that date?

8 A Yes, sir. He drove Mr. Alms up to the biker -- up to the  
9 victim and shot him seven times. And then they evaded.

10 Q So we'll move forward now to two days ago in this case.  
11 Like Mr. Hinojosa, was there also an indictment returned by a  
12 federal grand jury against Mr. Sblendorio along with an arrest  
13 warrant?

14 A Yes, sir.

15 Q And then additionally like Mr. Hinojosa, did law  
16 enforcement seek a warrant to search his residence and some of  
17 his vehicles?

18 A Yes, sir.

19 Q Are you familiar with those searches and his arrest?

20 A Yes, sir.

21 Q Can you tell us about it?

22 A The same as Mr. Hinojosa. Based off the violent nature of  
23 the crimes being alleged and the violent nature of the  
24 Bandidos, FBI SWAT team initiated the surround and call out and  
25 arrested Mr. Sblendorio. And then myself and law enforcement

1       executed the federal search warrant on his residence.

2       Q     What if anything of relevance was found inside that  
3       residence?

4       A     A lot of Bandidos paraphernalia of course. Inside of the  
5       garage on one of his motorcycles in the saddlebag was body  
6       armor. And then inside of a patch, almost like a fanny pack by  
7       the handlebars for quick accessibility was a magazine loaded  
8       with ammunition that would just insert into a semiautomatic  
9       (indiscernible).

10      Q     And why did that stand out to you?

11      A     Basically these Bandidos members who know that they are at  
12       war are ready to quickly access a firearm and/or have body  
13       armor because they know that they could also be shot at by  
14       rivals, either premeditated or in response to what they're  
15       doing.

16           Also in Mr. Sblendorio's truck parked in the driveway was  
17       a bag that we have identified as being a blackout kit.

18      Q     What is that?

19      A     In our investigation, members of the Welcome to Hell and  
20       Central Houston chapters carry what's called like a blackout  
21       bag. Like us in law enforcement carry what we call a go bag  
22       sometimes. And it's got necessary equipment in it if we have  
23       to tactically deploy in an emergency tactical situation  
24       usually.

25           The blackout bag for the Bandidos, when we opened Mr.

1 Sblendorio's, it's all black clothing and black surgical gloves  
2 as you would wear not to leave fingerprints or gunshot residue  
3 on your hands.

4 Q And you probably mentioned it, but there was cocaine  
5 recovered in the residence, correct?

6 A Yes, sir. And inside of his gun safe where he had all of  
7 his firearms was cocaine.

8 Q And then also you said multiple firearms?

9 A Yes, sir.

10 MR. BLACK: May I approach?

11 THE COURT: Yes, you may.

12 BY MR. BLACK:

13 Q I'm showing you Government's Exhibits 26 through 40. Fair  
14 to say that these are all photographs from the search of Mr.  
15 Sblendorio's residence a few days ago?

16 A Yes, sir.

17 MR. BLACK: Government offers Exhibits 26 through 40.

18 MR. TROIANI: No objection.

19 MR. BLACK: May I approach?

20 THE COURT: Yes, you may. The Court will admit  
21 Government's Exhibits 26 through 40 for purposes of today's  
22 hearing.

23 (Government Exhibits 26 through 40 entered into  
24 evidence)

25 BY MR. BLACK:

1 Q So TFO, quickly -- I know some of these aren't too  
2 terribly interesting, but some do have more relevance than  
3 others. Can you walk us through Exhibits 26 through 40?

4 A Yes, sir. I somehow managed to put them out of order. My  
5 apologies. Just the one I have in front of me is 27 and 28.  
6 It's just a picture of Mr. Sblendorio's cut. He had basically  
7 earned this one back a second time after he got bumped down to  
8 prospect. This is his cut now that he was rewarded his  
9 Bandidos cut.

10 Exhibit 29 is his Bandidos membership card, which is  
11 almost like a business card that Bandidos carry around that  
12 will have their chapter president, their chapter, their  
13 nickname, the date they became a Bandido, et cetera.

14 Q And on the card, if you go to 29, it says 5/11/2023. Does  
15 that look right?

16 A Yes, sir.

17 Q Okay. And based upon your investigation, how long has Mr.  
18 Sblendorio been associated or a member of the Bandidos?

19 A Since before then. I don't remember how long before then,  
20 you know, like a hand around type status.

21 Q Okay.

22 A But he has been (indiscernible).

23 Q So that date on there would have been his full membership  
24 date, but he had association prior?

25 A Yes, sir.

1                   MR. TROIANI: Objection. Calls for speculation, Your  
2 Honor.

3                   THE COURT: Do you know when Mr. Sblendorio first  
4 became I guess a member of the Central Houston?

5                   THE WITNESS: It was -- I don't have that in front of  
6 me, Your Honor. It should be on the (indiscernible) record and  
7 I just don't recall it.

8                   THE COURT: But do you recall his name being  
9 associated with Central Houston before May 11th, 2023?

10                  THE WITNESS: Yes, ma'am.

11                  THE COURT: Objection overruled.

12 BY MR. BLACK:

13 Q        All right. Moving on to Exhibit 30.

14 A        I'm sorry. Yes. I'm trying to find 30, sir. I don't see  
15 30. I might have -- oh, I'm sorry. It's on this. 30 is just  
16 some of his Bandidos patches that he has framed. Again,  
17 Bandidos are very proud of who they are and the patches that  
18 they've gotten or awarded. He has these in frames in his  
19 house.

20                  Thirty-one is his girlfriend's cut. A lot of girlfriends  
21 or wives actually become what they call Bandidos Old Ladies.  
22 They are considered property. And that's how the cuts read is  
23 property of Bandido Tech Nine. That's how they view their  
24 females, as property.

25 Q        Exhibit 32?

1 A Thirty-two is the cocaine in place inside of his safe. 33  
2 is the cocaine once it's been removed. 34 is additional  
3 cocaine that was wrapped inside of a five-dollar bill, which is  
4 common. In my training and experience, a lot of members put  
5 narcotics not just in a folded dollar bill of some kind because  
6 it keeps it packed, but if they carry that in a wallet, law  
7 enforce sometimes just sees the cash and they don't bother to  
8 open it. They just see the cash. And it's got usually  
9 cocaine, and like this one did, folded inside of the U.S.  
10 currency.

11       Thirty-five is what the gun safe looks like before we  
12 recovered anything out of it. That's where his cut was. And  
13 you can see the firearms, pistols, shotgun. A lot of brass  
14 knuckles and knives.

15       Thirty-six and 37 are the two pistols that we recovered.

16       Thirty-eight is the fanny pack by the handlebars of the  
17 motorcycle where the magazine with the ammunition was.

18       Thirty-nine is the blackout kit that was underneath the  
19 seat of his truck in the driveway. 40 is the contents of the  
20 blackout bag. As you can see how that would come in common at  
21 night or it be used at night.

22       Forty-two is a --

23 Q       And we're not quite to 42 yet.

24 A       I'll slow down.

25 Q       No worries. Okay. So let's actually get to the subject

1 matter around 42, which is (indiscernible). So I am aware that  
2 during preparations for the search in Mr. Sblendorio's  
3 residence and then during the search, you learned some  
4 information regarding a domestic assault that occurred the day  
5 before the search, correct?

6 A Yes, sir. When the FBI SWAT team had secured the -- they  
7 were still securing the residence. Mr. Sblendorio had already  
8 been placed under arrest on a federal warrant. As I was  
9 standing out there ready to take control of the scene for the  
10 search warrant, I had a neighbor come up to me and report that  
11 there had been a domestic violence incident at the residence  
12 the day before. Which I had conducted surveillance at the  
13 residence. What I found out, I arrived about 30 minutes after  
14 the domestic violence had occurred. So some of what I saw the  
15 day before was explained on what happened by this neighbor.

16 Q Let's talk about what the neighbor told you and then we'll  
17 talk about what he saw. So what did the neighbor tell you?

18 A The neighbor said that the day before John Sblendorio's  
19 girlfriend had run over to her house frantically and rang the  
20 doorbell, which they per her ring camera everything was  
21 recorded.

22 She said that the girlfriend, named Maddie, was  
23 hysterically crying and saying that Mr. Sblendorio had  
24 chokehold her and threw her to the floor and I guess kept her  
25 down for awhile and then took her phone. And then she fled

1 from the residence to this neighbor and basically the neighbor  
2 took her in and secured her for awhile until Maddie called her  
3 mother to come pick her up.

4 Q Now, did the neighbor show you anything regarding any  
5 evidence of what happened?

6 A Yes. She had been able to take a photograph of the  
7 victim, Maddie and showed a red mark around the upper chest  
8 towards the neck. And then she was able to recover the video  
9 of the Ring doorbell camera showing pretty much the incident  
10 went down exactly as the neighbor reported it of what Maddie  
11 said, Mr. Sblendorio chokehold her to the ground.

12 MR. BLACK: Okay. May I approach the witness?

13 THE COURT: Yes, you may.

14 BY MR. BLACK:

15 Q I'm showing you now what's been marked as Government's  
16 Exhibit 42. Do you recognize that?

17 A I do.

18 Q Is this the photograph you received of Mr. Sblendorio's  
19 girlfriend from the neighbor?

20 A Yes, sir.

21 MR. BLACK: Government offers Exhibit 42.

22 MR. TROIANI: No objection, Your Honor.

23 THE COURT: All right. Government's Exhibit 42 is  
24 admitted for today's hearing.

25 (Government Exhibit 42 entered into evidence)

1 MR. BLACK: May I approach?

2 THE COURT: Yes, you may.

3 BY MR. BLACK:

4 Q Now, TFO, in the Government's Exhibit 42, can you just  
5 orient us briefly?

6 A This is the victim, Maddie, who is in the courtroom. And  
7 you can see a red mark towards her upper-left chest kind of  
8 above where her heart would be, up towards the bottom of the  
9 neck area.

10 Q And then also I'm going to show you a thumb drive. And on  
11 this thumb drive is what is Government's Exhibit 43. It's that  
12 Ring video, correct?

13 A Yes, sir.

14 Q Have you reviewed that Ring video?

15 A I have multiple times.

16 Q And it's that same Ring video that (indiscernible),  
17 correct?

18 A Yes, sir.

19 MR. BLACK: Government offers Exhibit 43.

20 MR. TROIANI: Your Honor, we have not had an  
21 opportunity to view this video, nor have we seen it. And it  
22 would not be 43 because 43 is actually --

23 MR. BLACK: Oh, I'm sorry, (indiscernible).

24 THE COURT: Wait. What is the purpose of offering 43  
25 if it's just a...

1                   MR. BLACK: I misspoke, Your Honor. It's Exhibit 41.  
2 43 is a different case. Exhibit 41 is the Ring video from the  
3 neighbor.

4                   THE COURT: Okay. Let's just move on. We don't need  
5 to watch all the Ring videos. Yeah.

6                   MR. BLACK: Okay.

7                   THE COURT: Okay.

8                   MR. BLACK: In that case, Your Honor --

9                   THE COURT: I mean, so we would have to sit here and  
10 play this whole thing because they haven't had an opportunity  
11 review it.

12                  MR. BLACK: So I disclosed it last night  
13 (indiscernible).

14                  MR. TROIANI: Your Honor, we are going to object.  
15 The Court has already heard testimony and we would like to have  
16 an opportunity to present our position of the --

17                  THE COURT: Yeah, okay. I mean at this point it's  
18 just duplicative. So let's -- we're going to disregard -- I  
19 have already heard the testimony about what the footage shows.  
20 All right.

21                  MR. BLACK: Is it in the record?

22                  THE COURT: No. Let's just move on.

23                  MR. BLACK: Okay. Then -- I have one further  
24 question.

25 BY MR. BLACK:

1 Q So I wanted to save this for the end. But TFO, do you see  
2 any other members of Bandidos in the courtroom today?

3 A I do not unless there's one hidden.

4 Q Okay, fair enough. Just wanted to check. Thank you.

5 THE COURT: All right. This is a little unorthodox -

6 -

7 THE WITNESS: I mean other than some of the subjects,  
8 yes.

9 MR. BLACK: Correct.

10 THE COURT: Okay. Given how late we're running, we  
11 have a 10:00 arraignment for Mr. Christian Morris. Are counsel  
12 --

13 MR. TROIANI: Your Honor, I would propose if you want  
14 to take the arraignment and call us back.

15 THE COURT: That's what I was going to do. Just  
16 because I hate to have them sitting around for so long when  
17 it's just an arraignment.

18 MR. TROIANI: Completely understand.

19 THE COURT: Okay. So do we have the parties and  
20 counsel here for Case 4:23-CR-314, United States v. Christian  
21 Morris?

22 (Recess)

23 THE COURT: All right. We are back on the record in  
24 4:24-CR-543, United States v. Darvi Hinojosa and John  
25 Sblendorio. All right.

1                   So, Mr. Black, are you finished with your direct  
2 examination?

3                   MR. BLACK: I am, Your Honor.

4                   THE COURT: Okay. And then -- uh-oh. We need  
5 counsel. Yeah.

6                   Where did everybody go?

7                   All right, let's get going. Who is first? Ms.  
8 Rayno?

9                   MS. RAYNOR: I can go first. Yes, Your Honor.

10                   CROSS-EXAMINATION OF JOSHUA LYONS

11                   BY MS. RAYNOR:

12 Q                Is it proper to call you Agent Lyons?

13 A                Ma'am, you can call me Josh. It doesn't matter. Thank  
14 you though.

15 Q                Okay. Agent Lyons (indiscernible) some pretty sweeping  
16 accusations about all Bandidos (indiscernible). Is it your  
17 testimony today that every member of the motorcycle club, the  
18 Bandidos motorcycle club was a criminal?

19 A                I did not say that.

20 Q                So there may be some people who are not participating in  
21 illegal activity in that club, correct?

22 A                There are many that just are never caught.

23 Q                So are they all criminals or -- who have not been caught,  
24 is that what you're saying?

25 A                I guess we'll have to see if we end up violent indictments

1 on them.

2 Q So is it possible that some people in that organization  
3 are not criminals?

4 A Yes, ma'am.

5 Q Did individual Mr. Hinojosa join the Bandidos back in  
6 2021, is that what you said?

7 A Yes, ma'am.

8 Q Starting -- involved in a new chapter, correct?

9 A Yes, ma'am.

10 Q Prior to 2021 did Mr. Hinojosa have any criminal record?

11 A I don't recall seeing any.

12 Q Okay. And aside of the two (indiscernible) that he has  
13 for possession of distribution of cocaine, he actually has not  
14 been convicted of those crimes, correct?

15 A Of the ones that we arrested him on, he has not been  
16 convicted. He's on bond for those. Yes, ma'am.

17 Q Okay. So it's safe to say he has actually no criminal  
18 convictions on his record?

19 A I'd have to relook at the record. But if you have it in  
20 front of you and there's no convictions, then yes, ma'am.

21 Q Okay. You testified about two shootings, one occurring in  
22 -- I didn't get the date on the first shooting you testified  
23 on.

24 A The Blue Bayou one?

25 Q Yes.

1 A That was November 2nd of 2021.

2 Q 2021.

3 A Yes, ma'am.

4 Q And that was one month after Mr. Hinojosa had joined --

5 A Thereabouts, thereabouts. Yes.

6 Q And you testified that there was cell phone records that  
7 linked him to the scene of the crime; is that correct?

8 A Yes, ma'am.

9 Q The data that you reviewed, the cell phone data that you  
10 reviewed, you also testified that it put him in the vehicle.  
11 Is that correct?

12 A I didn't testify that that put him in the vehicle; I said  
13 it put him near where the other -- where the other suspect that  
14 had been identified was.

15 Q Okay. And you're aware that cell phone data is not an  
16 exact science; correct?

17 A It's pretty accurate based off the accuracy of the company  
18 on how exact the coordinates are. And I can't -- not being the  
19 expert on those, I don't feel comfortable commenting on -- each  
20 company's records can be a little closer than others.

21 Q But it's also safe to say that cell phone data with  
22 respect to placing a person at or near a vicinity, there is a  
23 probably big margin of error there as well, correct?

24 A I disagree.

25 Q Well, let's quantify it. I can be five miles away from a

1 coordinate and still be considered at or near the scene; isn't  
2 that correct?

3 A You might be near it. But the way that this works is it  
4 depends on what tower you're hitting off of.

5 Q Correct. And if there's more than one tower in the area  
6 and I may be closer to one tower than the other, is that  
7 correct?

8 A It will show that.

9 Q So we don't particularly know whether he was at the scene,  
10 right?

11 A Particularly at what scene?

12 Q The first shooting.

13 A He's within the radius of the shooting. Exactly where  
14 specifically, spot he was standing, I don't...

15 Q But we don't know that he was at the scene, particularly  
16 at the scene, right?

17 A His phone was in there.

18 Q Puts him exactly at the scene?

19 A It puts him in our general crime scene, which was actually  
20 several different locations on where the rolling shootout was.

21 Q But it could have been five miles away, right?

22 A No, ma'am. Not five miles away.

23 MS. RAYNOR: One second, Your Honor.

24 BY MS. RAYNOR:

25 Q You also testified at the first shooting that there was a

1 dark-colored SUV that was (indiscernible), correct?

2 A Yes, ma'am.

3 Q Did you identify who that dark-colored SUV belonged to?

4 A We never got the plate off of it.

5 Q Okay. Let's take you to the June 3rd, 2023 shooting. The  
6 victim in that shooting survived, correct?

7 A Yes, ma'am.

8 Q And it's your testimony that the cell phone data also  
9 linked Mr. Hinojosa to that shooting, correct?

10 A Yes, ma'am.

11 MS. RAYNOR: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 BY MS. RAYNOR:

14 Q I'm showing you Exhibit 5.

15 A Yes.

16 Q (indiscernible). Can you tell me the date (indiscernible)  
17 timestamp (indiscernible)?

18 A Those are the timestamps. The 10:46 and then the 10:52  
19 (indiscernible) 11:01. And sometimes the UTC code will be  
20 wrong in terms of -- not wrong, I'm sorry. Pardon that. It is  
21 in another time zone and you have to put it in our time zone.  
22 But these are in the Central Standard.

23 Q And you said 10:56 or 10:57 was the last ones?

24 A Well, these aren't the last ones. This is just some  
25 isolated ones. I believe there's more messages before and

1 there's messages after.

2 Q And the time the victim was shot was around 1:30 a.m. in  
3 the morning?

4 A Yes, ma'am. On June the 3rd.

5 Q Two or three hours prior on the (indiscernible) text  
6 message, right?

7 A After those messages, there are other messages.

8 Q But they are not presented here today, correct?

9 A They might be on that other exhibit, ma'am, the one you're  
10 looking at.

11 Q (indiscernible)?

12 A Yes, ma'am. I believe that's it.

13 Q I thought this was outgoing calls, not --

14 A It's both. Well, and like what you're looking at, ma'am,  
15 in that other exhibit --

16 MS. RAYNOR: Your Honor, may I approach the witness  
17 again?

18 THE COURT: Yes.

19 BY MS. RAYNOR:

20 A I'm sorry. And what you were looking at shows both text  
21 messages and missed calls. And that's how the Signal app  
22 works. It will show a message or a call.

23 Q You're referring to Exhibit 4, is that correct?

24 A Yes, ma'am.

25 Q (indiscernible) calls (indiscernible).

1 A This is pretty much -- yes, these are -- per his exam,  
2 he's using the signal app to place phone calls to these various  
3 individuals. And you don't have all of those. That I guess is  
4 just a screenshot of some of the messages. This is the summary  
5 of all of the Signal calls for Mr. Hinojosa to the other  
6 suspects.

7 Q And what time was the last one?

8 A Sell, Mr. Hinojosa attempted to call Mr. Sblendorio in  
9 terms of calling out at 12:24:25 and then -- which was about an  
10 hour before the homicide. I'm sorry, that wasn't a homicide.  
11 Before the shooting. And then at 2:15, Mr. Alms powers his  
12 phone back on, which was about 45 minutes after the shooting  
13 Mr. Alms attempted to call Mr. Hinojosa.

14 Q But the cell phone records don't depict what was stated on  
15 those calls, correct?

16 A The only content we have is that one message you see in  
17 front of you in green on that other exhibit.

18 Q And that message was being let Kevin take your Jeep home,  
19 right?

20 A Yes, ma'am.

21 Q And it's not your testimony that Mr. Hinojosa was present  
22 at that particular shooting, right?

23 A Was not present.

24 Q And we don't know what was stated an hour before the  
25 shooting or approximately an hour after the shooting, right?

1 A The specifics, no, ma'am.

2 Q So are you aware of any incident in which Mr. Hinojosa has  
3 (indiscernible), are you aware of any incidents where he has  
4 not shown up to court or fled, anything like that?

5 A Fled law enforcement, no, ma'am. I don't believe he's  
6 missed any court dates because we haven't seen any warrants pop  
7 up for that.

8 Q And again, you're not aware of any criminal history that  
9 he has or any further convictions on his record?

10 A Just the numerous cases we have on him.

11 Q No convictions.

12 A No, ma'am.

13 MS. RAYNOR: Your Honor, I'll pass the witness.

14 THE COURT: Mr. Troiani?

15 MR. TROIANI: Yes, Your Honor.

16 BY MR. TROIANI:

17 Q Good morning, TFO Lyons.

18 A Good morning, sir.

19 Q Sir, my understanding is you're not an expert in  
20 cybersecurity, correct?

21 A In cybersecurity?

22 Q Sure.

23 A I would not call myself an expert in anything. Other  
24 people would have to do that.

25 Q And you are not an expert in triangulation as far as cell

1 phone data, correct?

2 A Again, sir, other people would have to put expert on. I  
3 would never call myself that.

4 Q And we don't -- and if we look at Exhibit 4, we don't have  
5 any coordinates and we have no supporting documentation other  
6 than a listing of possible calls and texts that were compiled I  
7 assume by you?

8 A There actually are coordinates as part of the discovery  
9 that you'll get from Mr. Sblendorio's locations. If you don't  
10 have them in front of you, they'll be in the discovery packet.

11 Q Yeah. But we don't have that here today, correct?

12 A I'm not sure what you -- okay, yes, sir.

13 Q I just want to make sure.

14 A Yeah. I don't believe they're on that document.

15 Q And there's nothing indicating any information that would  
16 relate to it other than simply a listing of presumed calls and  
17 text messages (indiscernible).

18 A Well, I wouldn't say presumed. Those happened. But the  
19 Court (indiscernible).

20 Q And there's no supporting documentation that's been  
21 provided (indiscernible), correct?

22 A I'm not sure what you have, sir.

23 Q Well, this is all we have, right?

24 A Okay.

25 Q Mr. Sblendorio has no criminal convictions, correct?

1 A Not to my knowledge, no, sir.

2 Q None, correct?

3 A Not to my knowledge, no, sir.

4 Q Okay. Are you aware that he has moved to Seattle,  
5 Washington for awhile?

6 A I was not.

7 Q Okay. Do you know that he has been gainfully employed  
8 over the past several years?

9 A I know that.

10 Q Okay. Now, there was talk about weapons. Mr. Sblendorio  
11 has no prior criminal history and is not disqualified from  
12 owning weapons, correct?

13 A He is not disqualified in terms of it being a felony. No,  
14 sir.

15 Q Okay. And there is no -- he's a citizen of the United  
16 States at this time and he hasn't been convicted of a felony.  
17 And he can vote and he can bear arms and he can have weapons in  
18 his home, right?

19 A Unless he is committing gang activity. That would be a  
20 violation of the Texas Unlawful Carrying of a Weapon as a Gang  
21 Member.

22 Q Okay. And at this point he has not been convicted of  
23 anything, has he?

24 A Not that I have seen.

25 Q Okay. And if we look at your -- at Exhibit 35 --

1 MR. TROIANI: May I approach, Your Honor?

2 THE COURT: Yes, you may.

3 BY MR. TROIANI:

4 Q The weapons are properly stored in a safe, are they not?

5 A I'm not sure what's --

6 Q It's a gun safe, right?

7 A It's a gun safe. I don't know what's proper. But he has  
8 guns in there, yes, sir.

9 Q They're not littered around the house where  
10 (indiscernible) pick them up or other people could pick them  
11 up, correct?

12 A Yeah, correct. We did not find any of that in the open.

13 Q Okay. Additionally, you had mentioned I believe plastic  
14 gloves. Plastic gloves are used when cleaning weapons,  
15 correct?

16 A I don't use them.

17 Q People do though, don't they?

18 A I'm not sure.

19 Q Okay. but you've been able to speculate about a lot of  
20 other things that people do. You're not familiar with people  
21 using plastic gloves to clean weapons?

22 A I don't believe I have speculated.

23 Q You've given a whole lot of background on different things  
24 regarding arms, armament, et cetera, and the uses of weapons.  
25 But plastic gloves being used to clean them, you are not aware

1 of that?

2 A I don't use them.

3 Q You don't use them, but other people may, correct?

4 A If you say so, sir.

5 Q Now, there is a margin of error for triangulation of data  
6 points for cell towers, correct?

7 A From my understanding.

8 Q Okay. And so triangulation is not precise, correct?

9 A We'd have to talk to the experts, as you say.

10 Q And you're not an expert, right?

11 A I never called myself one, sir.

12 Q Thank you. There is -- I don't believe -- and I guess  
13 you'll correct me. Mr. Sblendorio is not a secretary or  
14 administrator for the club at this time, correct?

15 A I can't say that. He doesn't have the chapter tab on, but  
16 many members are starting to remove their rank because they are

17 --

18 A I'm going to object as to speculation, sir.

19 Q Does he have -- is he to your knowledge the secretary;  
20 that's my question.

21 A As far as I'm concerned, he is.

22 Q Okay. But you're not aware of it and you're not sure?

23 A He was the last time I saw him.

24 Q He doesn't have that tab on his cut, which you made a lot  
25 of pay on, you know, they're going to have their life story on

1 this cut, right?

2 A They all don't. Some of them --

3 Q So it could be or it could not be, right? It all depends  
4 on the day and on the moment?

5 A I guess.

6 Q Other than this charge, Mr. Sblendorio has no other  
7 criminal charges, correct?

8 A In terms of pending?

9 Q Yes.

10 A We are still investigating for possible superseding  
11 indictment.

12 Q Okay. But this is the only open investigation that you're  
13 aware of as far as Mr. Sblendorio.

14 A Other than the domestic violence that happened. Because  
15 we --

16 Q But no complaint has been made and his girlfriend has not  
17 made any complaints --

18 A She doesn't have to under State of Texas.

19 Q Well, I understand that. But no complaint has been made  
20 by her at this time, correct?

21 A Not by her I suppose. I'm not sure if she talked to HPD  
22 or Harris County. I don't feel comfortable asking -- answering  
23 that question. I don't know if she has or not.

24 THE COURT: But the point is that there are no  
25 pending charges at this time.

1                   THE WITNESS: In terms of a warrant, no.

2                   THE COURT: All right.

3                   MR. TROIANI: Thank you, Your Honor. I'll pass the  
4 witness, Your Honor.

5                   THE COURT: All right. Mr. Black, any redirect?

6                   MR. BLACK: No, Your Honor.

7                   THE COURT: All right. Thank you very much, Officer  
8 Lyons. You can step down.

9                   THE WITNESS: Thank you, ma'am.

10                  THE COURT: Okay. Ms. Raynor, any proffer, other  
11 presentation?

12                  MS. RAYNOR: We have a couple proffers. Present in  
13 the courtroom, Your Honor, but I am not calling them to  
14 testify, is Diana Lopez, which is Mr. Hinojosa's mother. She  
15 has been a resident of the Houston community for over thirty-  
16 something years. She would proffer that she would be willing  
17 to (indiscernible) for her son if the Court were to grant him a  
18 bond (indiscernible).

19                  THE COURT: Have they been living -- has Mr. Hinojosa  
20 been living with her?

21                  MS. RAYNOR: Correct. So once he put his house up  
22 for sale, he's been living with his mother ever since.

23                  She has no criminal history. She would testify that  
24 she has no criminal history and she doesn't own any guns and is  
25 willing to adhere to whatever the Court (indiscernible) for

1 being his custodian (indiscernible). So is his common-law  
2 wife/girlfriend, who is present in the courtroom, Ms. Jennifer  
3 Hernandez. She is gainfully employed, living with him as well  
4 as his mother and has -- and is -- I think she is seven months  
5 pregnant right now. But she said that she has (indiscernible)  
6 she is willing to also (indiscernible).

7 THE COURT: Mr. Troiani?

8 MR. TROIANI: Yes, Your Honor. If I may.

9 THE COURT: Mm-hmm.

10 MR. TROIANI: Your Honor, we would proffer that Marge  
11 Sblendorio, Mr. Sblendorio's mother, is available to serve as a  
12 third-party custodian. He is not a flight risk. He has -- he  
13 owns his own home. He had no prior felony conviction. His  
14 family lives in the United States. His mother and father and  
15 brother are all residents of the State of Florida. He has no  
16 connections or family outside of the United States. He has a  
17 passport. He can return that passport and turn it into U.S.  
18 Probation. He can place his home as a surety for any risk or  
19 concern the Court might have as far as flight.

20 He is willing to participate in substance abuse  
21 treatment and he is willing to participate in any conditions  
22 that the Court may request such as (indiscernible) as far as  
23 where his whereabouts might be if that is necessary.

24 But given the fact that he has no prior criminal  
25 history, he has no pending charges other than this charge, he

1 has not been convicted of this charge and it's simply a  
2 pretrial phase, and bond is the rule rather than the exception  
3 according to the Supreme Court of the United States, there are  
4 conditions which would allow him to be out on bond and  
5 (indiscernible) his defense. Because if he is incarcerated,  
6 access to information, access to (indiscernible) is a little  
7 bit more difficult whereas if he is out, he could come to my  
8 office, we can communicate, we can look at his home.

9                   And I've shown the government some photos. I don't  
10 know if the -- which I will tender to the Court on behalf of my  
11 client. And his girlfriend, Madison, is here present in the  
12 courtroom. And they have been living together. But if the  
13 Court considers that to be a concern or an issue, then we can  
14 address that as well. I am tendering photos of Mr.  
15 Sblendorio's home, his family for the Court's review.

16                   THE COURT: All right. Are these labeled?

17                   MR. TROIANI: They have not been. We just got them.

18                   THE COURT: I think I'll just call them just  
19 Defendant's -- or Sblendorio Exhibit 1.

20                   (Sblendorio Exhibit 1 marked for identification)

21                   MS. RAYNOR: But as far as the pretrial services  
22 report that was submitted, his mother was available to confirm  
23 the information. I did make contact with (indiscernible)  
24 yesterday, gave her the phone number for his mother to confirm  
25 that information. And his girlfriend, Madison, is in the

1 courtroom and she can confirm that information as well. And  
2 both of them are willing to accept him into the home. And he  
3 in fact owns his home, which the Court is aware which can be  
4 placed as security for a loan. Thank you, Your Honor.

5 THE COURT: All right. All right. Let's proceed to  
6 argument.

7 MR. BLACK: Your Honor?

8 THE COURT: Yes. Mr. Black?

9 MR. BLACK: Your Honor, the Government is requesting  
10 detention in both of these cases for both of these defendants  
11 rather.

12 I'll start with Mr. Hinojosa. Actually this applies  
13 to both, but there is a rebuttable presumption in this case and  
14 that is by virtue of the (indiscernible) use of a firearm in  
15 furtherance charge here. And so bond in this unique set of  
16 cases is not the rule because there is that presumption. I  
17 know the Court is aware of that. I won't belabor that fact.

24 So the public safety concern I think is probably  
25 self-evident from the agent's testimony and the allegations in

1 the indictments. With respect to Mr. Hinojosa, there is some  
2 indication at least he was involved in the shooting back in  
3 2021 and then a very similar circumstance in which he is not  
4 charged in 2023 against rival gang members. While he  
5 admittedly is not the trigger puller, he is in probably almost  
6 a more concerning position of acting as sergeant at arms in an  
7 organization coordinating and orchestrating this violence.  
8 That I think speaks to the danger he poses to the community.  
9 He doesn't need to himself be committing violence, he can  
10 simply be somewhere else coordinating violent activities by the  
11 enterprise and others will enact it on his (indiscernible)  
12 behalf.

13 Additionally, I know the Court heard about the drug  
14 trafficking activity by the Defendant. There is always some  
15 inherent danger associated with drug trafficking that I know  
16 the Court is aware of.

17 And then of course the Defendant's association with  
18 an enterprise that engages in criminal activity.

19 Now, I'll concede that not every Bandido  
20 (indiscernible). There probably are some out there that don't.  
21 But here we're talking about these two Bandidos and others that  
22 the Court heard evidence on. And there is I think a real  
23 concern about the danger they pose in the community.

24 Other things to note about Mr. Hinojosa. The  
25 Government does not believe that his mother would be an

1 appropriate custodian. That is the residence that agents  
2 searched and found the cocaine paraphernalia, drug packaging  
3 and so on, ammunition. So I don't think that that would be an  
4 appropriate home plan for him even if the Court were inclined  
5 to grant bond.

6 The Defendant has a limited employment history. I  
7 don't know if he's currently employed, but the testimony had  
8 been for one month. That's a little bit of a concern from a  
9 flight risk standpoint. And so I would highlight that for the  
10 Court.

11 Finally, he is on bond currently for his two state  
12 cases. I would note that the possession of ammunition and  
13 cocaine in his residence along with his admission to using  
14 cocaine recently all constitute violations of that bond. So he  
15 has shown already that he is not abiding by the conditions of  
16 the Court previously.

17 Turning to Mr. Sblendorio, the Government's concern  
18 is with respect to the same. We're talking about public safety  
19 concerns here primarily. With Mr. Sblendorio, he is directly  
20 involved -- not as a trigger-puller, again, but he is the  
21 driver in the shooting and attempted murder of a rival gang  
22 member. That carries with it obvious public safety concerns  
23 that he was directly involved in that activity.

24 A search of the Defendant's house yielded cocaine and  
25 multiple firearms, which is concerning given the allegations of

1 violence in this case. And then additionally more troubling  
2 still I think is the very recent allegation of domestic  
3 violence in this case with someone the Defendant was living  
4 with.

5 All of that I think shows that the Defendant does  
6 pose a very real risk to public safety, one that cannot be  
7 addressed by court order or conditions given the extremity of  
8 the criminal activity being attempted murder.

9 The Defendant also has it looks like some drug use.  
10 He admits some recent drug use, which is always of some  
11 concern. And then to the flight risk concern, although not as  
12 pronounced in this case, he does have a passport and has done a  
13 lot of international travel, which is (indiscernible).

14 So all of this to say the Government does not believe  
15 they are conditions that this court consent (indiscernible)  
16 primarily assure the community safety and that they should be  
17 detained (indiscernible).

18 THE COURT: Thank you. All right. Ms. Raynor?

19 MS. RAYNOR: Your Honor, (indiscernible) Mr. Hinojosa  
20 has (indiscernible). He -- even though he has two open cases  
21 in court -- one in (indiscernible) County and one in Harris  
22 County. He's been out on bond. The conditions have been set  
23 for him and he's been compliant with those particular  
24 conditions.

25 THE COURT: No, he hasn't. Not with the possession

1 of drugs, possession of ammunition, if that were found in his  
2 home.

3 MS. RAYNOR: They were not found in his room; they  
4 were found in his home.

5 MR. BLACK: And I guess I can clarify the record.  
6 The drug packaging was not found in his room. The cocaine was  
7 found in his room.

8 THE COURT: Okay.

9 MS. RAYNOR: And whatever exhibit that was, Your  
10 Honor, it was a small, partially used cocaine as I reflect back  
11 on it. It was a very small plastic bag.

12 THE COURT: But that is also a violation of bond.

13 MS. RAYNOR: It may very well be. And that's a  
14 condition that the Court could (indiscernible) say that he  
15 probably needs some drug treatment and needs to be put in drug  
16 rehab rather than, you know, being a flight risk or a danger to  
17 society. We're talking about him being a danger to society and  
18 whether he's a flight risk.

19 THE COURT: Right.

20 MS. RAYNOR: He has surrendered his passport to  
21 (indiscernible) County so he can't flee the country. He's been  
22 gainfully employed. He has not one job, but two jobs. And he  
23 has children, ages 13, 14, and 8 (indiscernible) gives him the  
24 incentive to just stay around and try to do right.

25 He has evidenced that the prosecution has provided

1 are the cell phone records. (indiscernible) the content of  
2 those cell phone records are with respect to his offer to the  
3 two individuals who (indiscernible) on June the 3rd, 2023. So  
4 we don't think that the evidence is that strong as it believes  
5 that it is with respect to the (indiscernible). So has no  
6 incentive to continue to create any criminal activity while  
7 he's out on bond.

8 I think the Court could consider a monitoring of him  
9 or placing him in some drug treatment, residential drug  
10 treatment for -- during the time to cure anything that the  
11 Court has a concern with, with respect to him using drugs.

12 We addressed the bond issue, right? We addressed the  
13 flight issue.

14 So I don't think he has any guns that are -- that  
15 were found in his home. There was ammunition, but there was no  
16 firearms that were found in his room.

17 And I think that the Court could set, again, some  
18 conditions that he could abide by and assure that his presence  
19 -- you know, he could come back to court and show up like he's  
20 been doing for the last seven, eight months in state court,  
21 Your Honor.

22 THE COURT: All right. Thank you. Mr. Troiani?

23 MR. TROIANI: Thank you, Your Honor. Again, Your  
24 Honor, Mr. Sblendorio is not a flight risk. He can turn in his  
25 passport. He has family connections to the United States --

1                   THE COURT: I'm going to just cut you short. I agree  
2 with you. This is not a flight risk issue.

3                   MR. TROIANI: The next issue is as far as the danger  
4 to community. He has no conviction for any offenses whatsoever  
5 on his criminal history. He is charged in this offense. He  
6 has not been convicted at this point. There is a lot of  
7 speculation. There is a lot of this is what happens here. But  
8 as to his participation, that is not what we're hearing. His  
9 weapons that he had at the house the government has taken. If  
10 there are weapons at the house, they can be removed. I know  
11 the Government took some pistols from the house. It's not  
12 illegal to own pistols. It's not illegal to have the  
13 equipment. Nothing that was at the house was illegal other  
14 than the government did find some white powdery substance, a  
15 small amount which has not been tested yet. My client did  
16 admit that he has used drugs. But that can be handled very  
17 quickly with -- through pretrial services, through drug  
18 treatment, even in-house. But I don't think it raises to that  
19 level. And pretrial can evaluate that.

20                   And as far as his girlfriend and the allegations, I  
21 was unaware of that until this morning. And she has not made  
22 any claim. If the Court would prefer that she not be at the  
23 house, he is the homeowner. And if it is an issue and if it  
24 develops into an issue, that is something that can be  
25 addressed.

1                   He has been a law-abiding citizen as far as  
2 employment and everything else as far as the Court is concerned  
3 for his entire life. He has no criminal convictions. We have  
4 an allegation at this point. He wants to fight that  
5 allegation. I have been appointed to do that. And he can  
6 assist me better out than he can incarcerated and unable to  
7 access documents, et cetera, that would be available for his  
8 defense.

9                   And for those reasons, Your Honor, we are asking that  
10 the Court set a reasonable bond given the circumstances, and he  
11 has the ability to pay that bond or to provide collateral as  
12 needed by the Court under these circumstances. And we'll leave  
13 the bond amount up to the Court. But this is a situation where  
14 this gentleman has that ability and he can follow the rules  
15 because everything indicates that he has followed the rules as  
16 far as employment, paying of taxes, owning his own home, et  
17 cetera. And these things are not and have not been alleged to  
18 be the fruits of some sort of criminal activity such as a drug  
19 dealer or some other type of case that we regularly see in this  
20 type of proceeding.

21                   And according to the membership card, he is a recent  
22 member, 2023. He may have had associations before, but none of  
23 these things indicate that he cannot follow the rules while on  
24 bond.

25                   THE COURT: All right. Thank you.

1 MR. TROIANI: Thank you.

2 MS. RAYNOR: Your Honor, I'm sorry. I left out  
3 something very, very important. If the Court would give me an  
4 opportunity to address it.

5 THE COURT: Mm-hmm.

6 MS. RAYNOR: The small package with white powder in  
7 it that was found in Mr. Hinojosa's room is not in fact  
8 cocaine. It's lidocaine is what it is. It's a prescribed  
9 painkiller. And, I mean, if you test it to ensure that it's  
10 not an illegal drug, that would be --

11 THE COURT: I'm not -- we're not getting into that at  
12 this point. I mean, we had the officer testify that it is in  
13 fact cocaine. I mean, this didn't come up before.

14 MS. RAYNOR: I don't remember -- is that what he  
15 testified?

16 THE COURT: He did. He testified that it was  
17 cocaine. Yes.

18 MS. RAYNOR: Okay.

19 THE COURT: All right? Okay. All right.

20 In this case, the Government has sought to detain  
21 each of you based on the nature of the charges in this case  
22 which involve crimes of violence. And under the Bail Reform  
23 Act, there is a presumption that you all should be released  
24 unless I find that there is no condition or combination of  
25 conditions that would reasonably assure that your release would

1 not impose an unacceptable risk of danger to the community or  
2 would pose a risk of non-appearance in this case. And because  
3 of the nature of the charges, which are incredibly serious,  
4 including attempted murder, there is a presumption that each of  
5 you should be detained.

6 And I find based on the evidence here that you have  
7 not rebutted the presumption that your release would pose an  
8 unacceptable risk of danger to the community. And even if you  
9 had rebutted the presumption, there is clear and convincing  
10 evidence that your release would pose an unacceptable danger.

11 The weight of the evidence as to each of you is very  
12 strong. With respect to Mr. Hinojosa not only has the  
13 Government presented evidence showing that you are connected  
14 with a shooting back in November 2nd of 2021, but also were  
15 essentially the coordinator and shot-caller for the attempted  
16 murder on June 3rd, 2023, which underlies the current federal  
17 charges.

18 And in addition, the Government also presented  
19 evidence showing that Mr. Hinojosa is involved in trafficking  
20 of narcotics, which underscores the danger that his release  
21 would pose to the community. And also that despite being  
22 released on conditions by the state court, Mr. Hinojosa did not  
23 comply with those conditions because he continued to possess  
24 narcotics even while on release. So I have no confidence that  
25 any conditions would be sufficient to ensure that he would not

1 pose a danger to the community.

2                   As to Mr. Sblendorio, the lack of prior criminal  
3 history is not sufficient to outweigh the significance and the  
4 danger evidenced by the underlying offense that led to these  
5 charges, namely his driving -- his coordination with others  
6 including with Mr. Hinojosa to attempt to murder a rival gang  
7 member on the streets of Houston.

8                   I find the weight of the evidence is strong,  
9 including the detailed testimony of the investigating officer  
10 regarding locations and the multiple communications leading up  
11 to and after the shooting on the evening of its occurrence.

12                  Also I take into account that Mr. Sblendorio attacked  
13 and assaulted his own girlfriend and that a neighbor intervened  
14 to protect her. And regardless of whether any charges were  
15 filed, this just underscores that he has committed acts of  
16 violence that endanger the community. And there are no  
17 conditions that I find satisfactory to offset those conditions  
18 or those concerns.

19                  I understand Mr. Troiani's position that his release,  
20 his client's release would facilitate the preparation of  
21 defense, but that's just not a factor in determining whether  
22 someone's release would pose an unacceptable danger.

23                  So for those reasons and others I will detail in my  
24 written order, each of you will be detained until trial.

25                  MR. TROIANI: Your Honor, if I may just very quickly?

1                   THE COURT: Yes.

2                   MR. TROIANI: Would the Court entertain house arrest  
3 with (indiscernible)?

4                   THE COURT: No.

5                   MR. TROIANI: Yes, Your Honor.

6                   THE COURT: No, thank you. All right. Yes, so we  
7 need to proceed to arraignment for each of the defendants.

8                   All right, we are proceeding to arraignment. This is  
9 the part of your case where you will be entering a formal plea  
10 to the charges against you.

11                  Let me start with Mr. Hinojosa. Have you received a  
12 written copy of the indictment?

13                  MR. HINOJOSA: Yes.

14                  THE COURT: Okay. And Ms. Raynor or Mr. Troiani,  
15 have your clients waived formal reading of the charges?

16                  MR. TROIANI: We do, Your Honor.

17                  THE COURT: All right. Mr. Hinojosa, have you  
18 discussed the charges in this case with your attorney?

19                  MR. HINOJOSA: Yes.

20                  THE COURT: And do you understand the charges against  
21 you?

22                  MR. HINOJOSA: Yes.

23                  THE COURT: Are you ready to enter a plea at this  
24 time?

25                  MR. HINOJOSA: Yes.

1                   THE COURT: How do you plead?

2                   MR. HINOJOSA: Not guilty.

3                   THE COURT: I am entering a not guilty plea on your  
4 behalf in this case.

5                   All right. Mr. Sblendorio, did you receive a written  
6 copy of the indictment?

7                   MR. SBLENDORIO: Yes.

8                   THE COURT: have you discussed the charges with your  
9 attorney?

10                  MR. SBLENDORIO: Yes.

11                  THE COURT: Are you ready to enter a plea at this  
12 time?

13                  MR. SBLENDORIO: Yes.

14                  THE COURT: All right. How do you plead, guilty or  
15 not guilty?

16                  MR. SBLENDORIO: Not guilty.

17                  THE COURT: I am entering a not guilty plea on your  
18 behalf as well.

19                  Your case is assigned to Judge Keith Ellison. And  
20 here is a schedule for the case. Motions are due November 8th.  
21 Responses due November 15th. The proposed jury questions and  
22 jury charge are due December 6th. The pretrial conference will  
23 be on December 6th at 10:30 a.m. and jury selection and trial  
24 will begin December 16th at 9:00 a.m.

25                  Mr. Black, now may days do you estimate for the

1 trial?

2 MR. BLACK: Seven days, Your Honor.

3 THE COURT: Let me write this down. And Ms. Raynor,  
4 does the client waive speedy trial at this time?

5 MS. RAYNOR: Yes, Your Honor.

6 THE COURT: And how about your client, Mr. Troiani?

7 MR. TROIANI: Your Honor, we are going to refrain  
8 from that at this moment.

9 THE COURT: Sure. No problem. Okay. Anything else  
10 we can do to --

11 (Hearing adjourned at 11:04 AM)

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1 C E R T I F I C A T I O N  
23 I, Sonya Ledanski Hyde, court-approved transcriber,  
4 certify that the foregoing is a correct transcript from the  
5 official electronic sound recording of the proceedings in the  
6 above-entitled matter.7  
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18  
19  
20 Veritext Legal Solutions  
21 330 Old Country Road  
22 Suite 300  
23 Mineola, NY 11501  
24  
25 Date: December 27, 2024